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UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 12, 2008
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:05 p.m. Council President Peters recessed the meeting at 2:47 p.m. to convene into Closed Session. Council President Peters reconvened the meeting at 4:23 p.m. with all Council Members present. Council President Peters recessed the meeting at 5:48 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:56 p.m. with Council Member Maienschein and Council President Pro Tem Madaffer not present. Council President Peters recessed the meeting at 7:51 p.m. to reconvene into Closed Session. Council President reconvened the meeting at 9:58 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 10:27 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present
- Clerk-Maland (sr)

FILE LOCATION: MINUTES

000002

Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 12, 2008

Page 2

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Liz Maland.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council President Pro Tem Madaffer.

FILE LOCATION: MINUTES

000003

Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 12, 2008

Page 3

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Save Our Heritage Organization v. City of San Diego, et al.*
San Diego County Superior Court Case No. 37-2007-00081313-CU-WM-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 13, 2008

DCA Assigned: G. Spitzer

This matter involves litigation arising from the approval of the construction of a portion of the Bayshore Bikeway, a bike path that loops around the San Diego Bay. The City Attorney will provide a status of the litigation and discuss settlement issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. - 2:43 p.m.)

Council President Peters closed the hearing.

CS-2 *Lepine v. City of San Diego*
San Diego Superior Court Case No. 37-2007-00064048-CU-OE-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 13, 2008

DCA Assigned: W. Chung

This matter pertains to an employment lawsuit filed by former Deputy City Attorney Amy Lepine. In Closed Session, Walter Chung of the City Attorney's Office and Rich Paul of Paul, Plevin, Sullivan & Connaughton, will brief the City Council on the litigation's status and bring to the Council a settlement offer made by the Plaintiff to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. - 2:43 p.m.)

Council President Peters closed the hearing.

CS-3 *Cal Johnson, et al. v. Thomas Distabile, et al.*
San Diego County Superior Court Case No. GIC 782977

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 13, 2008

DCA Assigned: B. Walters

This matter involves a claim for reimbursement or contribution for a property owner's removal of a hazardous substance, burn ash, under the California Hazardous Substances Accountability Act and/or under a nuisance cause of action. There also is a fraud claim against certain City employees. In Closed Session, the City Attorney will provide a status report of the litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. - 2:43 p.m.)

Council President Peters closed the hearing.

CS-4 *City of San Diego v. Sunroad Enterprises et al.*
San Diego Superior Court Case No. GIC 877054

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 13, 2008

DCA Assigned: C. Brock

Case No. GIC 877054 was initiated by the City Attorney to abate the public nuisance created by Sunroad Enterprises' construction of a 12 story, 180 foot building which has been declared a "hazard" to air navigation at the City's Montgomery Field Airport by the Federal Aviation Administration ("FAA") Sunroad Enterprises cross-complained against the City claiming the City issued permits for the building and is responsible for any monetary loss Sunroad may incur. The City Attorney and outside counsel, Latham & Watkins, will discuss the status of the pending litigation, settlement, and associated costs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. - 2:43 p.m.)

Council President Peters closed the hearing.

CS-5 *Friends and Concerned Citizens of University City v.
City of San Diego, Costa Verde, LLC.,
San Diego Superior Court Case No. 37-2007-00078058 CU-TT-CTL*

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 13, 2008

DCA Assigned: M. Dickenson

This matter is a challenge under the California Environmental Quality Act and the Public Streets, Highways, and Service Easements Vacation Law relating to the City's approval of Environmental Impact Report No. 6563; associated approvals including the Mitigation Monitoring and Reporting Program, Findings and Statement of Overriding Consideration, amendments to the Progress Guide and General Plan, the University Community Plan, and the Costa Verde Specific Plan; Vesting Tentative Map. No. 372429; Easement Vacation No. 372423; Public Right-of-way Vacation No. 372426; Planned Development Permit No. 10761; Site Development Permit No. 372422; and Public Right of Way Permit No. 464724. The City Attorney will update the Mayor and City Council on the status of the litigation in Closed Session

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. - 2:43 p.m.)

Council President Peters closed the hearing.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code Section 54956.9(b):

CS-6 **Number of Potential Cases: Up to 50 (Voluntary Compliance Program Filing)**

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 13, 2008

DCA Assigned: W. Chung

In closed session, the Mayor requests that Outside Counsel provide advice relating to proposed Pension System Changes included in the Voluntary Compliance Program Filing that may affect the pension benefits of employees, retirees and their beneficiaries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. - 2:43 p.m.)

Council President Peters closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

CS-7 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Rod Betts, Jessica Falk Michelli, William Gersten, Lori Thacker, and Alan Hersh

Employee Organizations: Municipal Employees Association, AFSCME Local 127 AFL-CIO, and Deputy City Attorney Association

DCAs Assigned: W. Gersten/J. Falk Michelli/L. Thacker/A. Hersh

The Mayor and City Council will be updated on the status of the labor negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. - 2:43 p.m.)

Council President Peters closed the hearing.

CS-8 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Rod Betts, Jessica Falk Michelli, William Gersten, Lori Thacker, and Alan Hersh

Employee Organizations: Municipal Employees Association, AFSCME Local 127 AFL-CIO, and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 13, 2008

DCA's Assigned: W. Gersten/J. Falk Michelli/L. Thacker/A. Hersh

Discussions regarding impasse on contract negotiations, if necessary.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. - 2:43 p.m.)

Council President Peters closed the hearing.

ITEM-200: Authorizing the Appropriation and Transfer of \$5,000,000 from the General Fund Unallocated Reserve to the General Fund Appropriated Reserve.

STAFF'S RECOMMENDATION:

Hold the first public hearing of the ordinance:

(O-2008-149 Cor. Copy) HEARING HELD/DIRECTION GIVEN

Amending Ordinance No. O-19652 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2008 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year", by appropriating \$5,000,000 from the General Fund Unallocated Reserve to Fund 100, Dept. 602, General Fund Appropriated Reserve;

Amending the Appropriation Ordinance to authorize the City Auditor and Comptroller, upon approval by Council resolution, to transfer and expend appropriations from the General Fund Appropriated Reserve to other General Fund departments and to General Fund contributions to the CIP;

Ratifying and approving the following Council resolutions and the actions taken:

- a) Transfer up to \$2,219,500.18 from General Fund Appropriated Reserve (Dept. 602) to General Fund Citywide Program Expenditures (Dept. 601) then transfer to the Public Liability Fund (81140) and other enterprise funds based upon the FTE allocation. This transfer is for payment of court ordered legal fees relating to SDCERS litigation. R303276 passed on December 12, 2007.

- b) Transfer \$2,000,000 from Appropriated Reserve (Dept. 602) to General Fund Contributions to the CIP (Fund 630221) for emergency repair of Soledad Mountain Road. R-303265 passed on December 18, 2007.
- c) Transfer \$800,000 from General Fund Appropriated Reserve (Dept. 602) to the City Planning and Community Investment Department (Dept. 065) and authorize to expend up to \$800,000 for the completion of the Olay Mesa Community Plan Update. R-303275 passed on December 18, 2007.
- d) Transfer \$792,181 from General Fund Appropriated Reserve (Dept. 602) to the City Planning and Community Investment Department (Dept. 065) for the Grantville Master Plan consulting contract. R-303550 passed on April 1, 2008.
- e) Transfer \$184,750 from General Fund Appropriated Reserve (Dept. 602) to the General Fund Citywide Program Expenditures (Dept. 601) for the first amendment to the Agreement with Liebert Cassidy Whitmore for professional services. R-303500 passed on April 8, 2008.

STAFF SUPPORTING INFORMATION:

The General Fund Reserve Policy (O-19679), adopted on November 13, 2007, established the General Fund Appropriated Reserve Department (Dept. 602) and appropriated \$7,000,000 to this department from the General Fund unallocated reserves. It was the intention of the policy to allow for transfers from the Appropriated Reserve Department to other General Fund Departments be authorized by Council resolution. However, O-19679 did not include the language necessary to amend the Fiscal Year 2008 Appropriation Ordinance (O-19652) to provide this authority. Therefore, in order to allow the City Comptroller to carry out the intended purpose of the Reserve Policy and fund unanticipated operational needs during Fiscal Year 2008, it is necessary to amend the Appropriation Ordinance to allow transfers to be authorized by Council resolution. Ratification of the following listed actions that have been previously approved via Council resolution is necessary to allow these actions to be completed.

1. Transfer up to \$2,219,500.18 from General Fund Appropriated Reserve (Dept. 602) to General Fund Citywide Program Expenditures (Dept. 601) then transfer to the Public Liability Fund (81140) and other enterprise funds based upon the FTE allocation. This transfer is for payment of court ordered legal fees relating to SDCERS. R-303276 passed on December 12, 2007.
2. Transfer \$2,000,000 from Appropriated Reserve (Dept. 602) to General Fund Contributions to the CIP (Fund 630221) for emergency repair of Soledad Mountain Road. R-303265 passed on December 18, 2007.

3. Transfer \$800,000 from General Fund Appropriated Reserve (Dept. 602) to the City Planning and Community Investment Department (Dept. 065) and authorize to expend up to \$800,000 for the completion of the Otay Mesa Community Plan Update. R-303275 passed on December 18, 2007.
4. Transfer \$184,750 from General Fund Appropriated Reserve (Dept. 602) to the General Fund Citywide Program Expenditures (Dept. 601) for the First Amendment to the Agreement with Liebert, Cassidy Whitmore for professional services. R-303500 passed on April 8, 2008.

The following actions to transfer appropriations from the General Fund Appropriated Reserve were approved by City Council by Ordinance and no further action is needed.

5. Transfer up to \$369,500 from General Fund Appropriated Reserve (Dept. 602) to General Fund Citywide Program Expenditures (Dept. 601) for services provided by Hawkins, Deiafield & Wood. O-19695 passed on December 18, 2007.
6. Transfer \$40,000 from General Fund Appropriated Reserve (Dept. 602) to Council Administration (Dept. 029) for the addition of 1.0 committee consultant to the Ad Hoc Committee on Fire Prevention. O-19703 passed on January 22, 2008.
7. Transfer \$50,000 from General Fund Appropriated Reserve (Dept. 602) to Office of the Independent Budget Analyst (Dept. 030) for the addition of 1.0 Office of the Independent Budget Analyst staff member. O-19702 passed on January 28, 2008. To replenish depleted reserves in the General Fund Appropriated Reserve, it is requested that Council Approve and Authorize the City Auditor and Comptroller to appropriate \$5,000,000 from the General Fund Unallocated Reserves to the Appropriated Reserve, Fund 100, Dept. 602 for Fiscal Year 2008.

FISCAL CONSIDERATIONS:

The amount of \$5,000,000 will be appropriated from the General Fund Unallocated Reserve, reducing the General Fund Unallocated Reserve.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Tirandazi/Lewis

Aud. Cert. 2800732.

Staff: Nader Tirandazi - (619) 236-6060
Brant Will - Deputy City Attorney

NOTE: Today's action is the first public hearing. See the docket of Monday, May 19, 2008 for the second public hearing and the introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:06 p.m. - 2:11 p.m.)

Motion by Madaffer to have Mayor's office respond to the issues presented by the Independent Budget Analyst. Second by Hueso. No vote taken.

ITEM-S400: Impasse Procedure, if necessary, for Management and Labor Organizations currently involved in contract negotiations.

MAYOR SANDERS' RECOMMENDATION:

HEARING HELD

Carry out an Impasse Procedure, if necessary, for Municipal Employees Association, AFSCME Local 127, and the Deputy City Attorney Association.
Staff recommends that the Council take separate votes on each labor organization.

SUPPORTING INFORMATION:

The current Memoranda of Understanding and Council Policy 300-6 provide that the City's Labor Organizations have a right to a Council hearing on any issues at impasse at the conclusion of contract negotiations. The purpose of the impasse hearing shall be to identify and specify in writing the issue or issues that remain in dispute according to Council Policy 300-6.

Briggs/Chadwick

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. - 2:47 p.m.;
4:23 p.m. - 5:48 p.m.;
5:56 p.m. - 7:51 p.m.;
9:58 p.m. - 10:27 p.m.)

Motion by Madaffer to impose the terms of the Mayor's Last, Best, and Final offer on the Municipal Employee's Association which includes MEA's counterproposal on the Pension, the Mayor's proposal on health care and no salary increase. Second by Faulconer. Failed: Peters-nay, Faulconer-yea, Atkins-nay, Young-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.

Motion by Madaffer to impose the terms of the Mayor's Last, Best, and Final offer on AFSCME Local 127. Second by Faulconer. Failed: Peters-nay, Faulconer-yea, Atkins-nay, Young-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.

Motion by Madaffer to impose the terms of the Mayor's Last, Best, and Final offer on the Deputy City Attorney's Association. Second by Faulconer. Failed: Peters-nay, Faulconer-yea, Atkins-nay, Young-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

000012

Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 12, 2008

Page 12

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 10:27 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:27 p.m. - 10:27 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 13, 2008
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:09 a.m. The meeting was recessed by Council President Peters at 11:54 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:08 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:03 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:14 p.m. with all Council Members present. Council President Peters reconvened the Redevelopment Agency at 3:15 p.m. Council President Peters reconvened the regular meeting at 3:27 p.m. with Council Member Maienschein not present. Council President Peters convened the Special Joint Public Hearing with the Redevelopment Agency and Council at 3:28 p.m. Council President Peters reconvened the regular meeting at 4:17 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 4:20 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 4:25 p.m. with Council Member Maienschein not present. Council President Peters reconvened the Redevelopment Agency at 4:25 p.m. Council President Peters reconvened the regular meeting at 5:15 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 5:25 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

000014

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, May 13, 2008

Page 2

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/mz)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-I:

Don Stillwell commented on prayer and the flag salute:

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:45 a.m.)

PUBLIC COMMENT-2:

Sunshine Horton commented on her birthday bash.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:48 a.m.)

PUBLIC COMMENT-3:

Carol Jahnkow and Pedro Rios commented on the Blackwater permit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:54 a.m.)

PUBLIC COMMENT-4:

Ted Patrick commented on a killing in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:57 a.m.)

PUBLIC COMMENT-5:

Phil Hart commented on the budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. - 11:00 a.m.)

PUBLIC COMMENT-6:

Steve Bruce commented on a world summit for children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:04 a.m.)

PUBLIC COMMENT-7:

Tom Candelles commented on blacklisting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. - 11:07 a.m.)

PUBLIC COMMENT-8:

Nicholas Moffit commented on parking problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. - 11:11 a.m.)

PUBLIC COMMENT-9:

Izean Rim, Jr., commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. - 11:14 a.m.)

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, May 13, 2008

Page 5

PUBLIC COMMENT-10:

Ray Lutz commented on citizens' oversight.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:16 a.m.)

PUBLIC COMMENT-11:

Elinor Rector commented on a Bible perspective.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:19 a.m.)

PUBLIC COMMENT-12:

David Ross commented on misplaced people in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. - 11:21 a.m.)

PUBLIC COMMENT-13:

Katheryn Rhodes commented on the City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:22 a.m. - 11:25 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye announced a Community Cleanup Event to be held June 7, 2008, with members of the Tijuana River Valley sponsored by the Equestrian Club and REI.

Council Member Frye also announced the San Diego River Days Celebration with a River Cleanup to be held this Saturday, May 17, 2008, beginning at 12:00 p.m. at the Mission Valley Library. Another celebration honoring the San Diego River Days is a Ruffin Canyon Rock Painting Event this Saturday, May 17, 2008, to help the native plants with a closing event at the Mission Valley River.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:45 a.m. – 11:46 a.m.)

COUNCIL COMMENT-2:

Council Member Atkins announced the Friends of Normal Heights River Days also celebrating at Fenton Marketplace in Mission Valley, Saturday, May 17, 2008, which begins at 9:30 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:46 a.m. - 11:50 a.m.)

COUNCIL COMMENT-3:

Council President Pro Tem Madaffer invited all to attend the 23rd Annual Patriots Day Parade with a BBQ at 4:00 p.m. and fireworks at 8:30 p.m. This event will be held at the Tierrasanta Community Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:51 a.m. – 11:53 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Grand Jury Awareness Week.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-972) ADOPTED AS RESOLUTION R-303668

Recognizing the San Diego County Grand Jury for their hard work and commitment to performing this critical role for our City, our collective justice system, and the citizens of San Diego;

Proclaiming May 11–17, 2008, to be “Grand Jury Awareness Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:17 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-31: Tourism Week.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FAULCONER'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-991) ADOPTED AS RESOLUTION R-303669

Proclaiming May 12-16, 2008, to be "Tourism Week" in the City of San Diego, in recognition of the importance of the visitor industry to San Diego's economy and quality of life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:23 a.m.)

MOTION BY FAULCONER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: Emergency Medical Services Week.

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-983) ADOPTED AS RESOLUTION R-303670

Recognizing the value and the accomplishments of San Diego Medical Services Enterprise as the emergency medical services provider for the citizens of San Diego;

Proclaiming May 18-24, 2008, to be "Emergency Medical Services Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:23 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-50: Reclassifying and Changing the Number of Commissioners on the City of San Diego's Commission on Gang Prevention and Intervention.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/28/2008, Item 200. (Council voted 8-0):

(O-2008-76 Cor. Copy) ADOPTED AS ORDINANCE O-19748
(New Series)

Amending Chapter 2, Article 6, Division 19, of the San Diego Municipal Code by amending Sections 26.1902 and 26.1903, all related to the Commission on Gang Prevention and Intervention. The purpose of this ordinance is to amend Chapter 2, Article 6, Division 19 to add certain public officeholders to the Commission and to change meeting requirements. The additions are: the San Diego County District Attorney; the San Diego County Chief of Probation; the State of California Chief District Administrator, Department of Corrections, Division of Adult Parole Operations; the San Diego County Sheriff San Diego Unified School District, Superintendent; the Superintendent of the County Office of Education and the Chief of Police for the City of San Diego as a member.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-51: Expansion of the Adams Avenue Business Improvement District to Include Kensington Business Core. (Normal Heights, Mid-City, and Kensington Community Plan Areas. District 3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/29/2008, Item 338. (Council voted 6-0. Councilmember Maienschein and Council President Pro Tem Madaffer not present):

(O-2008-138 Cor. Copy) ADOPTED AS ORDINANCE O-19749
(New Series)

Amending Ordinance No. O-18087 to expand the Adams Avenue Business Improvement District to include the Kensington business core.

FILE LOCATION: STRT-L-29 (32)

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-52: Amending the San Diego Municipal Code Relating to Graffiti - Zero Tolerance to the Epidemic of Graffiti Vandalism.

(See City Attorney Report dated 9/7/2007.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-104) INTRODUCED; TO BE ADOPTED ON TUESDAY,
MAY 27, 2008

Introduction of an Ordinance amending Chapter 5, Article 4, Division 4, of the San Diego Municipal Code by amending Sections 54.0401, 54.0405 and 54.0414, and deleting 54.0412, all relating to Graffiti. This ordinance would update the Municipal Code by removing the crime of graffiti from the Municipal Code, requiring that graffiti vandals be charged under state anti-graffiti laws. This ordinance also expresses the City Council's intent that graffiti vandals be prosecuted to the fullest extent of the law.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 9/12/2007, PS&NS voted 4 to 0 to approve the draft zero tolerance graffiti ordinance and forward to the full City Council. (Councilmembers Faulconer, Young, Maienschein, and Hueso voted yea.)

SUPPORTING INFORMATION:

The ordinance implements a zero tolerance approach to graffiti vandalism by updating the Municipal Code provisions dealing with graffiti, identifies graffiti as both a crime and a nuisance, and encourages prosecution of graffiti vandalism to the fullest extent of the law. It will preclude public access, without employee assistance, to certain equipment used to produce graffiti, and provide for increased committee oversight regarding program effectiveness.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The graffiti proposal was discussed at the PS&NS Committee meeting of March 28, 2007, and referred to the City Attorney to draft the ordinance. A report from the City Attorney regarding the Proposed Zero Tolerance of Graffiti Vandalism Ordinance and Draft Ordinance O-2007-156, were presented to the PS&NS Committee meeting at the meeting of September 12, 2007. The PS&NS Committee approved the draft ordinance and forwarded it to the City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Some vendors were spoken with and presentations were made to District 5 and District 4 community groups. The ordinance was discussed on radio and announced on various television news programs.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

San Diego Police Department, Neighborhood Code Compliance, the City Attorney, retailers of graffiti tools, all City of San Diego communities, neighborhoods, and businesses that sell spray paint, etching products, or thick, indelible ink pens that are often used in graffiti crimes.

Rivera

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea; Hueso-yea.

- * ITEM-53: Seventh Amendment to Agreement with Metropolitan Transit Development System (MTS) to Continue the Administration of Taxicabs and Other Private For-Hire Vehicles Regulations. (Citywide.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-144 Corr. Copy) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MAY 27, 2008

Introduction of an Ordinance authorizing the Mayor, or his authorized designee, to execute a Seventh Amendment to Agreement with Metropolitan Transit System (MTS), to continue the administration of taxicabs and other private for-hire vehicles regulations, for a five-year period beginning July 1, 2008, under the terms and conditions set forth in the Seventh Amendment to Agreement (Agreement);

Authorizing MTS to continue to provide for the regulation of taxicabs and other private for-hire vehicles for services rendered wholly within the City's corporate limits as provided in the Agreement;

Declaring that this activity is exempt from California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

MTS has administered the regulations for taxicabs and other for-hire vehicles on the City's behalf since 1988 under a series of Agreements. The current Amendment expires June 30, 2008. This action extends the Agreement through June 30, 2013.

FISCAL CONSIDERATIONS:

MTS administers the program at no cost to the City. Their actual costs are recovered through fees charged to permittees.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Ordinance O-19195 authorizes the Sixth Amendment that extended the Agreement through June 30, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

MTS taxicab administration staff has notified the Taxicab Advisory Committee of its intention to seek a renewal of the Agreement.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The taxicab industry, including owners and drivers, are represented on the Taxicab Advisory Committee. Other stakeholders, also represented on the Committee, are organizations that represent taxicab customers such as the San Diego Convention Center, the Convention and Visitors Bureau, the Greater San Diego Hotel-Motel Association, the San Diego Travelers Aid Society, the Greater San Diego Chamber of Commerce, and the San Diego County Airport Authority.

Boekamp/Jarrell

Staff: Steve Celniker - (619) 699-6985
Michael P. Calabrese - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-54: Contract Change Order No. 1 with RECON Environmental Inc. for the Lake Murray Mitigation Project.

(See Metropolitan Wastewater Department's 3/10/2007, Executive Summary Sheet.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-131) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MAY 27, 2008

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Change Order No. 1, issued in connection with the contract between the City and RECON Environmental, Inc., said contract being on file with the City Clerk as Document No. RR-299711;

Authorizing the expenditure of an amount not to exceed \$57,000 from Fund No. 41506, solely and exclusively, to provide funds for the above Change Order No. 1;

Declaring that this activity is not subject to the California Environmental Quality pursuant to CEQA Guidelines Section 15378(c) because the activity is a subsequent discretionary approval of a project which was adequately addressed in Environmental Impact Report PTS No. 6020, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

On September 10, 2004, the City Council authorized a not to exceed budget of \$550,000 for this project (R-299711). The lowest responsive bidder for this project was RECON Environmental, Inc., with a bid of \$250,400. The contract was approved and awarded by City Manager Action, C-13232 on April 4, 2005. The agreement, in the amount of \$250,400, included the design, construction support work, and 2 years of maintenance associated with the Lake Murray Mitigation Project. The project consists of the restoration of 5.0 acres of coastal sage scrub and the enhancement of 1.9 acres of wetland habitat on lands adjacent to the Lake Murray Reservoir in the Del Cerro Community on public lands within Mission Trails Regional Park. The area is being used as compensatory mitigation for past and future impacts to uplands and wetlands within the San Diego River Watershed.

Habitat mitigation projects involve construction, installation, and a mandatory 5 year maintenance and monitoring period. The Lake Murray Mitigation project was originally awarded with 2 years maintenance included in the contract. This was done to give MWWD flexibility in determining how to handle future maintenance needs. RECON Environmental, Inc. has performed satisfactorily in this task and MWWD wishes to extend their existing contract to continue with maintenance for the remaining three years. The existing contract and requested 1173 day extension with RECON will exceed five years and requires Council approval.

This request also includes additional costs to implement Optional Maintenance Years 3, 4, and 5 and field order allowances which total \$57,000. The current contract expires on April 30, 2008. This Change Order will enable RECON Environmental, Inc., to continue to provide maintenance services for the Lake Murray Mitigation Project as required by regulatory permits.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Goals: This is a Design Build Project: Subcontracting Outreach Program (SCOP) does not apply.

Other: Workforce Report Submitted. Contractor has submitted an updated workforce report dated February 13, 2008.

FISCAL CONSIDERATIONS:

This Change Order will increase the contract amount by \$57,000 to include funds for optional maintenance years 3, 4, & 5 and field order allowances. Funds are available in Sewer Reserve Account 41506.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-299711 Authorized funding in the amount of \$550,000.

C-13232 Approved contract for \$250,400 with RECON Environmental, Inc.

The Committee on Natural Resources and Culture on April 23, 2008, voted to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

RECON Environmental, Inc.

Ferrier/Barrett

Aud. Cert. 2800645.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-55: First Amendment to Agreement with Black & Veatch Corporation for Design and Construction Support Services for Otay II Pipeline Improvements Project – Cast Iron Replacement Phase. (Oak Park and Mid City Community Areas. Districts 4 and 7.)

(See Engineering and Capital Project Department's 4/16/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-136) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MAY 27, 2008

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City, a First Amendment to the Black & Veatch Corporation Agreement for design and construction support services for the Otay II Pipeline Improvement Project - Cast Iron Replacement Phase, in the amount of \$298,000, under the terms and conditions set forth in the agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15378(c) and 15060(c)(3). This activity is a subsequent discretionary approval covered under Otay II Pipeline Improvements Project Environmental Impact Report, Project No. 5503. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

The Otay II Pipeline was originally constructed to convey water 19 miles from Otay Water Treatment Plant to University Heights Reservoir in North Park. Built from 1928 to 1930 the pipeline continues to serve today as a lifeline, moving up to 20 million gallons of water north and south between the Alvarado and Otay service areas. The primary objective of the Otay II

Pipeline Improvement Project is to maintain a reliable source of potable water through maintenance, repair, or replacement of the existing pipeline. The Cast Iron Replacement Phase (Project) is one of the eight phases of the Otay II Pipeline Improvements Project.

This Project is one of the mandated projects by the California Department of Public Health (DPH) Compliance Order (04-14-96CO-022). Located in Oak Park and Mid-City Communities it includes installation of 7,800 linear feet of new 42" welded steel transmission pipe and replacement of approximately 3,220 linear feet of existing cast iron pipe with 16" PVC distribution pipeline in 54th Street and abandonment of 1,200 linear feet of the Otay I and Otay II Pipelines east of Easy Street.

B&V, a major engineering consulting firm, was selected to provide design and construction support services for the Project. Their Agreement for \$1,444,100 was approved by City Council R-297241 on October 28, 2002. The original mandated dates were design completion of December 2004, followed by construction ending in December 2006. B&V met the original mandated design date and provided 100 percent design plans and specification. The mandated construction date was deferred by the Water Department due to budget constraints. On May 2006, B&V was directed to proceed to revisit and update the Project designed drawings and specification in accordance with the current codes and new design standards in order to award the construction contract.

The plans and specifications for the construction of the Project were approved on October 16, 2007 by City Council R-303080. The agreement with B&V has reached its five years term. The continued participation by B&V during the construction of the Project is essential to the overall Project success. The Engineering & Capital Projects Department is requesting to amend, via Ordinance, B&V's agreement to provide design and construction support services for the Project due to the following reasons:

1. B&V is the designer of record and is responsible to support the design during the construction.
2. It would cost more money and City staff time to educate a new consultant to provide professional services during the construction on the unique aspects of the existing design because of their unfamiliarity with the Project and with City's potable water system. This is going to cause confusion since the Project is presently awarding construction.
3. Legal and code related issues may arise by having a new consultant work on a project which was designed by another consultant. The City would possibly assume greater liability on the Project.

4. This Project is one of the eight phases of the Otay II Pipeline Improvements Project that is covered under a Programmatic Environmental Impact Report approved as of June 2004.
5. Any changes in design due to a new consultant on board will result in amending this report, which will cause delays to the schedules of the other phases.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City Of San Diego
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation: \$229,038.20 Certified Firms (13.15%) \$34,795 Other Firms (2%)
Other: Workforce Report Submitted-Equal Opportunity Plan required.
Staff will monitor plan and adherence to Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The additional cost for the first amendment to the agreement with B&V is \$298,000.00. Funding is available from the enterprise fund in CIP-73-286.0, Otay II Pipeline Improvements, Fund 41500, Water. These funds were previously authorized by R-303080. After executing this amendment, the new agreement amount will be \$1,742,100. No additional funding needs are anticipated for this project. Water Department revenue is dedicated for this project; 80% will be bond financed. The Auditor's Certificate is attached.

PREVIOUS COUNCIL COMMITTEE ACTION:

The First Amendment to the Agreement with Black & Veatch Consultant was approved 4-0 by the NR&C Committee on 04/23/08. Previous Council actions are the following:

- R-297241 approved by the City Council authorized a design agreement with Black & Veatch Corporation.
- R-303080 approved by the City Council authorizing the advertisement of the plans and specifications for construction.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community presentation was provided to the Oak Park Community in February 2004 during the design of this project. Prior to construction, there will be presentations to the areas community groups and schools. As the construction of the project will progress, status information will be disseminated to the Mid-City and Oak Park area communities.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders are the Water rate payers, B&V (Design Consultant), El Cajon Grading (Construction Contractor) and the California Department of Public Health (DPH).

Boekamp/Jarrell

Aud. Cert. 2800725.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-56: Fifth Amendment to Agreement with URS Corporation for the Carmel Valley Road Enhancement Project. (Torrey Pines Community Area. District 1.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-148) INTRODUCED, TO BE ADOPTED ON
TUESDAY, MAY 27, 2008

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City, an Agreement with URS Corporation, for additional construction support done during the construction for CIP-52-517.0, Carmel Valley Road Enhancement Project, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$84,000 from Fund 30300, Transnet, CIP-52-517.0, Carmel Valley Road Enhancements Project, for the purpose of providing funds for the above referenced Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is covered under LDR No. 98-0718, Carmel Valley Road Enhancements. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

STAFF SUPPORTING INFORMATION:

On September 27, 2004 the City council approved the Plans, Specifications, advertising and funding of this project. Construction contract was awarded to the lowest responsible bidder, Scheidel Contracting and Engineering in the amount of \$4,604,681.50. Construction of Carmel Valley Road Enhancements Project began on July 18, 2006. This project enhanced the 0.9 mile stretch between Via Mar Valle and Portofino Drive. Improvements consisted of bike lanes, sidewalk on the north side, a pedestrian walkway on the south side, parking lanes, asphalt pavement repair, undergrounding of utilities, new street lights, and installation of curbs, gutters, pop-outs, storm drains and landscaping.

In 1997, the City entered into an Agreement with URS Corporation to provide preliminary design and environmental assessment for this project (R-288869). Subsequently in 1998 and 2000, the City executed the First and Second Amendments to the Agreement for preliminary design and environmental document preparation (R-290645 & R-293830). The Third Amendment to the Agreement was executed in 2002 to provide final design services and is on file in the Office of the City Clerk as Document No. R-296199. The Fourth Amendment to the Agreement was executed in September 2005 to provide construction support and to revise traffic control plans (O-19414). This Fifth Amendment to the Agreement is needed for additional construction support that was beyond URS's scope of work.

The following construction support tasks are covered under this Fifth Amendment: Additional environmental support was needed for field clarification of the wetland boundary shown on the plans and environmental document and required research efforts and several field visits. Revisions to the plans were necessary due to numerous underground utility conflicts that were not evident during design, including sewer force main belonging to City of Del Mar, telephone duct banks belonging to AT&T, and electric and gas lines belonging to SDG&E. These conflicts were primarily caused by undergrounding of utilities that occurred after the completion of design plans and prior to the start of construction. Other plan revisions arose from design changes requested by the community or City such as revised driveway profiles, special grates along the bike lanes, lowering of roadway profile, and relocation of various improvements. Additional project management efforts were required because construction duration was extended, during which time URS continued to provide support to the City.

FISCAL CONSIDERATIONS:

The total fee for providing services under this Amendment is \$84,000. Total Consultant Agreement will be \$1,370,360. Funds are available in Fund 30300, TransNet, CIP-52-517.0, Carmel Valley Road Enhancements Project.

PREVIOUS COUNCIL COMMITTEE ACTION:

The original contract with URS Corporation was executed in June 19, 1997 (R-288869). First Amendment was executed in September 8, 1998 (R-290645). Second Amendment was executed in September 18, 2000 (R-293830). Third Amendment was executed in March 18, 2002 (R-296199). Fourth Amendment was executed in September 26, 2005 (O-19414).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project was coordinated with Torrey Pines Planning Group, California Department of Parks and Recreation and Carmel Valley Road Task Force.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

URS Corporation, California Department of Parks and Recreation.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego (TransNet)
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
[Note: Per the previously approved agreement amount of \$1,286,360, the subcontractor participation was 19.41% (see EOCP evaluation for breakdown). With this current action, the subcontractor participation is 18.22%]
Subconsultant Participation: None for this action. Due to the nature of the work required for construction support services, subconsultant services were not utilized.
Other: Workforce Report Submitted - Equal Opportunity Plan was required. Staff has monitored plan and insured adherence to Nondiscrimination Ordinance.

Boekamp/Jarrell

Aud. Cert. 2800702.

Staff: Marnell Gibson - (619) 533-5213
Ryan Kohut - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-60: Preparation of Salary Ordinance for FY 2008-2009.

(See memorandum from the City Attorney dated 4/18/2008.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance in Subitem A, which was introduced as amended on 4/21/2008, Item S400. (Council voted 6-2. Councilmembers Young and Frye voted nay.) [Councilmembers Peters, Faulconer, and Maienschein voted nay on the portion relating to the car allowance]. Adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2008-134 Rev. 3) CONTINUED TO TUESDAY, MAY 20, 2008

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2008-2009.

Subitem-B: (R-2008-851) CONTINUED TO TUESDAY, MAY 20, 2008

Approving in accordance with the terms and conditions the classifications of personnel in the classified service of the City of San Diego eligible for premium or regular rate overtime as set forth in Attachment "A", effective from July 1, 2008 through June 30, 2009, pursuant to the authority of Section 9 of the Annual Salary Ordinance.

Subitem-C: (R-2008-852) CONTINUED TO TUESDAY, MAY 20, 2008

Amending the classifications previously designated by the Council as appropriately assigned to employee representation units, to reflect additions of new classes, removal of deleted classes, and changes to titles, such amendments to be as contained in the listing of job classifications and appropriate units, as set forth in Attachment "A".

Subitem-D: (R-2008-853) CONTINUED TO TUESDAY, MAY 20, 2008

Establishing and adopting a Cafeteria Benefits Plan (Plan) for all designated eligible employees for Fiscal Year 2009 (Attachment "B"), providing therein dollar sums certain for each eligible employee, to be allocated to benefits as are designated in the Plan, pursuant to Section 16 of the Annual Salary Ordinance No. O-_____, and upon the recommendation of the Mayor;

Authorizing the Mayor to execute agreements with the appropriate organizations providing the benefits designated in the Plan;

Declaring the funds appropriated for this Plan shall be as set forth in the annual appropriation ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:30 a.m. – 11:44 a.m.)

MOTION BY ATKINS TO CONTINUE TO TUESDAY, MAY 20, 2008, FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-100: Inviting Bids for the Construction of Crown Point Trunk Sewer Project. (Mission Bay Park and Pacific Beach Community Areas. District 2.)

(See Engineering and Capital Project Department's 3/19/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-924) ADOPTED AS RESOLUTION R-303671

Approving the plans and specifications for the construction of the Crown Point Trunk Sewer Project (Project) as advertised by Purchasing and Contracting Department, on Job Order No. 177051;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with the law, to award the Project contract to the lowest responsible and reliable bidder, provided the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$4,814,072 from Sewer Fund No. 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation, solely for the construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(k) as the replacement of existing pipelines less than one mile in length. (BID-K083817C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/26/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Crown Point Trunk Sewer Project is part of the City of San Diego's Sewer Main Replacement Program as mandated by the Environmental Protection Agency (EPA). The existing mains were installed from 1951 to 1987 and the replacement of these deteriorated trunk sewer and sewer mains will provide the community with a safe and reliable wastewater collection system.

This project is located in the Mission Bay Park and Pacific Beach community areas, as shown on the project location map. It includes the installation of 2,275 feet of 18-inch trunk sewer using a new alignment and 445 feet of 12-inch and 8-inch sewer mains (total 2,720 feet) to include trenchless and open trench operations, and the rehabilitation of 1,532 feet of 12-inch and 15-inch sewer mains. This will permit the abandonment of 1,336 feet of existing 6-inch, 8-inch, 12-inch and 15-inch sewer mains. A portion of the abandonment of 12-inch is currently located on private property and sensitive habitat (Marsh Reserve). Impacted streets will be resurfaced and new curb ramps will be installed.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.

Goals: 13% Mandatory Subcontractor Participation Goal, 4% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 8% Advisory Participation Goal Other Business Enterprise (OBE)

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPe. Failure to comply with SCOPe will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, Orange County Register, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or e-mail.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$4,814,072. Funding is available in CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitations, Fund 41506, Sewer, for this purpose. The project costs may be bond reimbursed approximately 80% by current or future debt financing. The project is scheduled to be funded in FY08. No future funding is anticipated. The Auditor's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on March 26, 2008, consent motion by Council President Peters, second by Councilmember Faulconer. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, the Project Manager and Project Engineer presented the project to the community on January 15, 2004. On January 28, 2008, the City of San Diego sent out a letter to the Pacific Beach Community Planning Chair offering an additional presentation for an update on the status and schedule of the project. Once financing is approved, the community will be updated on the project. In addition, residents and businesses will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of the notices. Traffic control plans have been prepared for this project and will be implemented by the contractor during construction.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents will experience minor impacts during construction. After completion, residents will experience improved sewer collection systems reliability.

Boekamp/Jarrell

FILE LOCATION: W.O. 177051

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-101: Two actions related to Inviting Bids for the Construction of Water Group 541 Project. (La Jolla Community Area. District 1.)

(See Engineering and Capital Project Department's 3/19/2008, Executive Summary Sheet.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-909) ADOPTED AS RESOLUTION R-303672

Approving the plans and specifications for the construction of the Water Group 541 Project (Project) as advertised by Purchasing and Contracting Department, on Job Order 185161;

Authorizing the Mayor, or his designee, to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder, provided the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$3,850,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, solely for construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces in Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement, solely for the construction of Water Group 541, Sub-CIP-73-855.2 in an amount not to exceed \$400,000;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.
(BID-K084077C)

Subitem-B: (R-2008-910) ADOPTED AS RESOLUTION R-303673

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 146571, dated January 30, 2008, (Addendum) for Water Group 541 (the Project) on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.);

Declaring that the Addendum reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project 146571 Addendum, a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is approved;

Adopting the Mitigation, Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/26/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Water Group 541 is part of the City of San Diego's Cast Iron (CI) Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022.

This project is located within the community of La Jolla. This project consists of replacing approximately 7,787 linear feet (1.50 miles) of water main. It also includes installing curb ramps and street resurfacing. The streets affected by construction operations within this project are: Fay Avenue, Silverado Street, and Ludington Place, Ludington Lane, Hillside Drive, Soledad Avenue, Lookout Drive, Boulevard Place, Puente Drive, Draper Street, Romero Court, and Remley Place as shown on the location map.

As indicated in the engineer's project cost estimate for the use of City Force Work to perform highlining, cut and plug, and reconnecting the water mains, it is estimated to be more economical than if done by contract. In addition, the Department of Health Services (DHS), under the California Safe Drinking Water Act, requires certified operators to perform this type of work (on live water mains) to ensure the integrity of the water systems.

EOUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.

Goals: 16% Mandatory Subcontractor Participation Goal, 5% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 10% Advisory Participation Goal Other Business Enterprise (OBE)

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, Orange County Register, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or e-mail.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$3,850,000. Funding of \$3,850,000 is available from the enterprise fund in CIP-73-083.0, Annual Allocation - Water Main Replacements, Fund 41500, Water, for this purpose. Water Department revenue is dedicated for this project; 80% will be bond financed. This project will be funded in FY08 and FY09. No future funding is anticipated. The Auditor's Certificate(s) will be provided prior to contract award.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on March 26, 2008, consent motion by Council President Peters, second by Councilmember Faulconer. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, Water Group 541 was presented once to the La Jolla Community. In addition, residents and businesses will be notified by mail by the City's Engineering and Capital Projects Department at least one (1) month before construction begins and again ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents in this area will encounter inconveniences during construction. After completion, residents will experience improved reliability of the water distribution system.

Boekamp/Jarrell

FILE LOCATION: W.O. 185161

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-102: As-Needed Agreement with LG2WB Engineering for Traffic Control Design Services. (Citywide.)

(See Engineering and Capital Project Department's 4/16/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-871) ADOPTED AS RESOLUTION R-303674

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with LG2WB Engineering, under the terms and conditions set forth in the Agreement, for as-needed engineering services related to traffic control design plans in an amount not to exceed \$1,000,000;

Authorizing the expenditure of an amount not to exceed \$1,000 from Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement, solely and exclusively, for the purpose of providing funds for the above Agreement and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is not a "project" and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

The City currently does not have the capacity to prepare the traffic control plans for various projects. A qualified and licensed consultant is being retained to provide this service. The City advertised the Contract and issued the Request for Proposal for As-Needed Traffic Control Design Services agreement on September 9, 2007, in the San Diego Daily Transcript and in the City's website for bid and contract opportunities. Eight (8) engineering consultants submitted proposals on October 10, 2007. Five (5) firms were short-listed to be interviewed by the selection panel based on their proposal and evaluation criteria in the request for proposal. On October 30-31, 2007, the short-listed firms were interviewed by the selection panel. Attached is a copy of the evaluation criteria used during the interviews and a list of the selection panel.

LG2WB Engineers was selected as the most qualified firm following a competitive selection and procurement process completed in accordance with the policies, procedures and guidelines in the City Council Policy 300-7, Consultant Services Selection, and the City's Administrative Regulation 25.60, Selection of Consultants for Work Requiring Licensed Architect and Engineering Skills and Other Related Professional Services. The City will utilize the expertise of LG2WB Engineers to prepare the traffic control plans and procure related traffic control permits and approval from various agencies in a timely and efficient manner. LG2WB Engineers has the expertise, experience and personnel necessary to provide the professional services on an as-needed, hourly fee basis. The City will pay LG2WB Engineers for performance of all Professional Services rendered in accordance with the Agreement in an amount not to exceed \$1,000,000. LG2WB Engineers will not employ sub-consultants because they have the capacity to perform the as-needed services.

FISCAL CONSIDERATIONS:

The City will pay LG2WB Engineers for performance of all Professional Services rendered in accordance with this Agreement, in an amount not to exceed \$1,000,000. The City agrees to issue at least one task order with a minimum aggregate value of \$1,000 to LG2WB Engineers.

Funding for the first task order will come from the Enterprise Fund in CIP-73-083.0, Annual Allocation - Water Main Replacement, Fund 41500, Water, for this purpose. The project cost for the Water portion of \$1,000 may be reimbursed up to 80% by current or future debt financing. Future tasks will be funded from various City Department's budgets.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on April 23, 2008, voted to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City staff will work with the community during the design of traffic control plans.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Upon approval of the agreement, LG2WB Engineers could receive up to \$1,000,000.

EOUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Other: Workforce Report Submitted - Equal Opportunity Plan not required. Staff will monitor adherence to Nondiscrimination Ordinance.

Boekamp/Jarrell

Aud. Cert. 2800662.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-103: Two actions related to Awarding Design-Build 554 Water Project – Water Groups 901CI and 902CI to Ortiz Corporation. (Clairemont Mesa Community Area, District 3.)

(See Engineering and Capital Project Department, Executive Summary Sheet dated 4/16/2008.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-939 Cor. Copy) ADOPTED AS RESOLUTION R-303675

Authorizing the Mayor, or his designee, to award a contract to Ortiz Corporation for the design and construction of the Project in an amount not to exceed \$6,965,664, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure estimated in an amount not to exceed \$9,446,755.12 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, of which \$4,316,590.31 is for Water Group 901CI, and \$5,130,164.81 is for Water Group 902CI, solely for design, construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under the establish contract funding phases are, or will be, on deposit with the City Treasurer, as follows:

Phase I, \$1,974,070.12, FY 08, Water Funds for execution of Design Build 554, as follows:

- Water Group 901CI: \$989,664.32
- Water Group 902CI: \$984,405.80

Authorizing the use of City Forces in Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement for construction of the Project within Water Group 901CI in an amount not to exceed \$90,000, and within Water Group 902CI in an amount not to exceed \$130,000 for the total amount not to exceed \$220,000;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Subitem-B: (R-2008-940) ADOPTED AS RESOLUTION R-303676

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 132158, dated September 24, 2007 (Addendum) for Design Build Water Project - Water Groups 901CI and 902CI (the Project), on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Sections 15000 et seq.);

Declaring that the Addendum reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Declaring that the Council finds that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project 132158 Addendum, a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is approved;

Adopting the Addendum to a Mitigated Negative Declaration, No. 132158;

Declaring that pursuant to California Public Resources Code Section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Design Build 554 Water Project is part of the City of San Diego's continuing Annual Capital Improvements Water Main Replacement Program. Water Groups 901CI and 902CI are being combined into one project as Design-Build 554 Water Project. The Design-Build firm will prepare the final design plans showing the water mains to be replaced in place and the new alignment to provide adequate clearance from existing sewer mains pursuant to the City's standards. The Design-Build project delivery method proposed for this project will utilize a qualified team of both designer and constructor, working together in partnership, to ensure this project is delivered in a manner that meets all the City's requirements. This method was utilized to assist the City in meeting California Department of Public Health mandates for Fiscal Year 2008.

Request for Qualifications (RFQ) for the project was advertised in San Diego Daily Transcript on October 24, 2007. The City's Design- Build Nominating Committee reviewed eight Statement of Qualification (SOQ) packages and short-listed four Design-Build firms based on the SOQ evaluation criteria. In response to City's Request for Proposal (RFP), all four short listed firms submitted both technical and price proposals for the project. The selection panel reviewed the technical proposals and interviewed the firms on January 22 and 23, 2008. The price proposals were then opened on January 31, 2008. The final selection using the weighted criteria included in the RFP (RFP Evaluation Criteria) was completed, and Ortiz Corporation was selected as the apparent successful design-build firm for the project.

The project is located in the Community of Clairemont Mesa San Diego. Water Group 901CI includes the replacement of 7,424 linear feet of existing 8-inch, 12-inch, and 16-inch old and deteriorated Cast Iron (CI) water mains originally installed in 1950. Water Group 902I includes the replacement of 11,361 linear feet of existing 12-inch and 16-inch old and deteriorated CI water mains originally installed in 1950.

The project also includes installing curb ramps and street slurry seal. The streets affected by construction operations are: Merrimac Avenue, Clairemont Mesa Boulevard, and Clairemont Drive as shown on the location maps. Ortiz Corporation will prepare traffic control plans for all streets and will implement them during construction, after review and approval by the City.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this project.

Goals: All City Design-Build projects, valued at \$25,000 or more, have a voluntary Subcontractors/Subconsultant participation goal of 15% (MBE, DBE, DVBE or Other), which was included in the RFQ. Ortiz Corporation's Subcontractors/Subconsultant participation level exceeds this 15% goal as shown on their subcontractors/Subconsultants list: Allied Geotechnical Engineers Inc./Asian Pacific Male, Statewide Stripes Inc./Hispanic Male - DBE (3%); G. Scott Asphalt Inc., Katz & Associate - DVBE (7%); Tierra Environmental Services - MBE (1%); Koch & Armstrong, Southwest Signal, NRC Environmental Services, RBF Consulting - Other (14.5%).

Other: A Work Force Report was also submitted. Ortiz Corporation has fewer than 15 administrative employees as shown in the Work Force Analysis Report and, therefore, these are exempt from the employment category goals. However, Ortiz Corporation has 26 construction work force employees and the Construction Trade Analysis Report shows no discrepancies and no under representation. Although not required, Ortiz Corporation also submitted an Equal Employment Opportunity (EEO) Policy Statement and Plan for implementing this policy. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$9,472,685. Funding of 25,929.88 was previously authorized by Mayor, Action (PA-700). Funding for Phase I - FY 08 is available from enterprise fund in CIP-73-083.0, Annual Allocation - Water Main Replacement, Fund 41500, Water, for this purpose. The project cost may be reimbursed approximately 80% by current or future debt financing. This project will be phased funded FY08 - FY10. The Auditor's Certificate will be provided prior to the award of Phase I - FY 08. No future funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on April 23, 2008, consent motion by Council President Peters, second by Councilmember Atkins. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Design-Build firm will employ a Subconsultant, Katz & Associates, to conduct community outreach during design and construction as part of the contract scope of work. During the design phase, Design-Build 554 Water Project - Water Groups 901CI and 902CI will be presented to the Community of Clairemont Mesa San Diego. Residents and businesses will also be notified at least one (1) month before construction begins, and again ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Residents in the area will encounter minor inconveniences during construction. A community outreach program will be implemented during design and construction. After completion, residents will experience improved reliability of the water distribution system. No new fees or regulations are proposed.

Boekamp/Jarrell

Aud. Cert. 2800727.

Staff: Marnell Gibson - (619) 533-5213.
Pedro De Lara, Jr. - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-104: First Amendment to the Consultant Agreement with KTU+A, Inc. for Additional Professional Design Services for Mission Bay – Fiesta Island General Development Plan. (Mission Bay Park Community Area. District 6.)

(Continued from the meetings of March 4, 2008, Item 104, and March 25, 2008, Item 107; last continued at the request of Councilmember Frye, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-600)

RETURNED TO MAYOR

Approving the transfer of funds from CIP-22-960.0, Fiesta Island Infrastructure Improvements, to CIP-22-959.0, Mission Bay - Fiesta Island General Development Plan within Fund Number 10507, Sludge Mitigation Fund, in the amount of \$175,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$175,000 from CIP-22-959.0, Mission Bay-Fiesta Island General Development Plan, for the purpose of executing the First Amendment to Consultant Agreement with KTU+A;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a First Amendment to the Consultant Agreement with KTU+A, Inc. for additional professional design services for CIP-22-959.0, Mission Bay- Fiesta Island General Development Plan, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Declaring that this activity is not a project and therefore exempt from California Environmental Quality Act (CEQA) pursuant to State Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The original agreement with KTU+A for professional consulting services for Mission Bay - Fiesta Island General Development Plan was approved by Council on October, 31, 2005.

As part of the calculation of the fees, the consultant incorrectly added the various subtotals for the sub consultants on the project. As a result, the compensation amount for the Scope of Services, Exhibit B-1, was incorrectly totaled, resulting in an error of \$41,794 less than the actual total of the various elements. The mistaken total was not discovered until after the project work had started and work was in progress.

Additionally, as work on the project has progressed; additional scopes of work items have been identified that are required to complete the project. Additional scope requirements include additional presentations to the Mission Bay Park Committee and community groups, additional detailed biological surveys, application and processing of Site Development and Coastal Development permits, increased complexity of site design requirements based on

accommodating numerous competing land uses, increased labor costs associated with processing greater than anticipated public input questionnaires, emails, meetings and phone calls, and web site hosting and maintenance. A complete detailed listing of the items of work associated with the increased scope is contained on "Exhibit A-1 Additional Scope of Services" attached to the First Amendment to Consultant Agreement. The total amount requested for these additional services is \$118,017. Staff is also requesting an additional \$5,000 be allocated to cover unforeseen professional design services as the project begins the approval process. The total requested increase to the Consultant's contract is \$164,811.

The remaining \$10,189 will fund additional City staff time required to manage the project through the approval process.

FISCAL CONSIDERATIONS:

Funds in the amount of \$175,000 are available in CIP-22-960.0, Fiesta Island Infrastructure Improvements Fund No. 01507, which provides for infrastructure improvements to support future recreational facilities on Fiesta Island in Mission Bay Park.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Original Agreement with KTU+A, Incorporated in the amount of \$290,000 was approved by City Council on October 31, 2005, RR-300993.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Two public workshops have been conducted where public input has been solicited via questionnaires, and workshop station notes, monthly updates dating back for more than a year with the Mission Bay Park Committee, a project website with feedback and questionnaire opportunities, and information presentations to:

- Clairemont Mesa Town Council (April 5),
- Clairemont Mesa Planning Committee (May 15),
- Linda Vista Community Planning Committee (April 23),
- Pacific Beach Community Planning Committee (April 25),
- Pacific Beach Town Council (May 16),
- Mission Beach Precise Planning Board (May 15),
- Mission Beach Town Council (June 13),
- Ocean Beach Planning Board (June 6)
- Peninsula Community Planning Board (May 17).

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation: \$940,000 Certified Firms (11.5%)
\$3,155,000 Other Firms (37.9%)
Other: Workforce Report Submitted - Equal Opportunity Plan required.
Staff will monitor plan and adherence to Nondiscrimination Ordinance.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

KTU+A Incorporated, Mission Bay Park and park users.

LoMedico/Goldstone

Aud. Cert. 2800493.

Staff: Paul Jacob - (619) 235-5242
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:28 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO MAYOR'S OFFICE. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-105: Second Amendment to Agreement with Weston Solutions for Storm Water Pollution Prevention Program and Exercise Option Year 2 for an Amount Not-To-Exceed \$2,532,500. (Citywide.)

(See General Services Department's 6/8/2007, Executive Summary Sheet and 6/20/2007, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-908) ADOPTED AS RESOLUTION R-303677

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Agreement with Weston Solutions Inc., for as-needed services in connection with storm water monitoring, under the terms and conditions set forth in the Second Amendment;

Declaring that the total maximum additional compensation to Weston Solutions pursuant to said Second Amendment shall not exceed \$2,532,500;

Authorizing the expenditure of the maximum amount not to exceed \$2,532,500 from General Services Department, Storm Water Pollution Prevention Division (Dept. 533, Fiscal Year Operating Budget, Fund No. 100, solely and exclusively, to provide funds for Weston Solutions' services in Fiscal Year 2008;

Declaring that the above activity is not a project and is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(2) and 15306 as data collection, research, and resource evaluation that do not result in serious or major disturbance to the environmental resource.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/20/2007, NR&C voted 4 to 0 to approve the second option year to extend the agreement with Weston Solutions Inc., for an annual amount not to exceed \$2,532,500, and direct staff to come back to the Committee every six months for an update. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

On October 5, 2005, City Council authorized the original Agreement for As-Needed Storm Water Monitoring Professional Services with Weston for \$2,100,000 (R-300905). The agreement provided the SWPPD with sample collection and monitoring, data analysis and reporting to support the City's activities. This Agreement included four annual renewal options, executable by the Mayor.

The summary of the Agreement is as follows: Original Agreement FY06 \$2,100,000, FY07 First Amendment \$3,140,000, FY08 Second Amendment (current action) \$2,532,500 with a total value of the Agreement not to exceed \$7,772,500.

On October 5, 2005, Council authorized the original Agreement. Work completed during the first Agreement year (FY 2006) included assistance in preparing an Area of Special Biological Significance Exception, Chollas Creek Dissolved Metals TMDL Implementation Reports, Dry Weather Monitoring including a Dry Weather Aerial Deposition Study, and installation, monitoring, and analysis of Mass Loading Station data.

On May 8, 2007, the Council authorized the First Amendment to the Agreement to increase the First (FY07) Option Year to \$3,140,000, referred the increase for subsequent years to the Natural Resources and Culture Committee, and requested information on the future use of consultants. Work initiated or completed during the First Option Year (FY 2007) included six water quality monitoring studies, effectiveness assessment studies, pollutant source identification studies, and other professional services associated with program implementation.

On June 20, 2007, the Natural Resources and Culture Committee recommended that the City Council approve the execution of the Second Amendment to the Agreement, exercise the second year option, and increase the annual not-to-exceed amount of the second year option. This Second Amendment will include water quality monitoring, source identification studies, BMP effectiveness monitoring, aerial deposition study and assistance with TMDL review and assessment, as needed.

EQUAL OPPORTUNITY CONTRACTING (EOC):

Funding Agency: City of San Diego - prevailing wages do not apply.

Goals: This contract is not subject to the Subcontracting Outreach Program (SCOPE).

Other: All consultants and professional service providers doing business with the City, and their subconsultants must comply with requirements of the City's Nondiscrimination in contracting Ordinance, San Diego Municipal Code Sections 22.3501 through 22.3517. Consultants shall submit a Work Force Report or an Equal Employment Opportunity (EEO) Plan to the Program Manager of the City of San Diego Equal Opportunity Contracting Program (EOCP) for approval. EOC staff requested this consultant submit an Equal Opportunity Plan.

Projects valued at \$25,000 or more have a voluntary Subconsultant Participation Level of 15%. Goals are achieved by contracting with any combination of Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantage Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE) or Other Business Enterprise (OBE) level.

Weston Solutions has exceeded the goal.

Subconsultant Participation: CValdo Corp. (Male Hispanic/DBE) \$126,625 5.00%

Total Certified Participation \$126,625 5.00%

Total Other Participation \$582,475 23.00%

Total Participation \$709,100 28.00%

FISCAL CONSIDERATIONS:

- Original Agreement: Initial 1 year term plus four, one year options not to exceed \$2,100,000 each (Total Value not to exceed \$2,100,000)
- First Amendment: Increased option year 1 not to exceed value to \$3,140,000 (Total Value not to exceed \$5,240,000)
- Second Amendment (Current Action): Increase Option Year 2 not to exceed value to \$2,532,500 (Total Value not to exceed \$7,772,500). The Option Year 2 funding is included in the Storm Water Pollution Prevention Division's FY08 General Fund Budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 5, 2005, the Council authorized the original Agreement for \$2,100,000, Resolution (R-300905). On May 8, 2007, the City Council authorized the First Amendment to the Agreement to increase the First (FY07) Option Year to \$3,140,000, Resolution R-~~2007-975-Rev.~~ R-302600, and referred the increase for subsequent years to the Natural Resources and Culture Committee. On June 20, 2007, the Natural Resources and Culture Committee recommended that the City Council approve the execution of the Second Amendment to the Agreement to exercise the second year option and increase the annual not-to-exceed amount of the Second Year Option from \$2,100,000 to \$2,532,500.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None for this action. The original Agreement was publicly advertised and awarded.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Weston Solutions, Inc. and no projected impacts anticipated with this action.

Sierra/Jarrell

Aud. Cert. 2800700.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschcin-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-106: California Arts Council State/Local Partnership Program Grant Funds.
(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-915) ADOPTED AS RESOLUTION R-303678

Authorizing the Mayor, or his designee, to apply to the California Arts Council (CAC) for an additional \$9,375 in State/Local Partnership Program (SLPP) grant funds for Fiscal Year 2008;

Authorizing the Mayor, or his designee, to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the City Auditor and Comptroller, upon receipt of fully-executed grant agreement, to accept, appropriate, and expend an additional \$9,375 in SLPP grant funds for Fiscal Year 2008 to support the Commission's programs, services, and administration;

Declaring that the Commission will match the \$9,375 grant augmentation out of the Commission's Fiscal Year 2008 administrative and program budget;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this program;

Declaring that the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3) because the purchase is a continuing administrative or maintenance activity, and therefore not a project pursuant to Guidelines Section 15378(b)(2).

Subitem-B: (R-2008-1002) ADOPTED AS RESOLUTION R-303679

Authorizing the Mayor, or his designee, to apply to the California Arts Council (CAC) for \$15,000 in SLPP grant funds for Fiscal Year 2009;

Authorizing the Mayor, or his designee, to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the City Auditor and Comptroller, upon receipt of fully-executed grant agreement, to accept, appropriate, and expend \$15,000 in SLPP grant funds for Fiscal Year 2009 to support the Commission's programs, services, and administration;

Declaring that the Commission will match the \$15,000 grant out of the Commission's Fiscal Year 2009 administrative and program budget contingent upon approval of the City's Fiscal Year 2009 budget;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this program;

Declaring that the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3) because the purchase is a continuing administrative or maintenance activity, and therefore not a project pursuant to Guidelines Section 15378(b)(2).

STAFF SUPPORTING INFORMATION:

The State Legislation established and funded the State/Local Partnership Program (SLPP) under the CAC to foster cultural development on the local level through a partnership between the California Arts Council and the state's local arts agencies. The nature of this partnership includes, funding, information exchange, cooperative activities, and leadership to enable individuals, organizations and communities to create, present, and preserve the art of all cultures to enrich the quality of life for all Californians.

The goals of the SLPP are to increase public awareness of, and participation in the arts of all cultures; to advocate for the arts at all levels; to encourage and promote arts in education; to encourage local communities to foster the growth of arts resources to meet local needs; to encourage local and regional partnership development promoting the health of the arts; to provide access to high quality artistic experiences for all Californians and to promote cooperation and collaboration in planning, programming and policy development.

The CAC previously granted \$20,000 in SLPP grant funds to the City of San Diego for Fiscal Year 2008 programs, which the City matched on a one-to-one basis. CAC projects that it will augment SLPP grant funds by \$9,375 for Fiscal Year 2008, and grant \$15,000 in SLPP grant funds for Fiscal Year 2009 subject to availability of funds in the State budget.

FISCAL CONSIDERATIONS:

CAC projects that it will augment SLPP grant funds by \$9,375 for Fiscal Year 2008, and grant \$15,000 in SLPP grant funds for Fiscal Year 2009 subject to availability of funds in the State budget. Receipt of SLPP grant funds is conditioned on the City providing a one-to-one funding match. The Commission's will match the \$9,375 grant augmentation for Fiscal Year 2008 out of the Commission Fiscal Year 2008 administrative and programs budget. The Commission will match the \$15,000 grant for Fiscal Year 2009 out of the Commission's Fiscal Year 2009 administrative and programs budget contingent upon approval of the City's Fiscal Year 2009 budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-302572, dated May 7, 2007, approving application, acceptance, and expenditure \$20,000 in SLPP grant funds for Fiscal Year 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Hamilton/Mitchell

Staff: Victoria Hamilton - (619) 236-6778
Sanna R. Singer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-107: Americans for the Arts, After-The-Fires Grant Funds. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-917) ADOPTED AS RESOLUTION R-303680

Authorizing the Mayor, or his designee, to apply for \$20,000 in Americans for the Arts (AFTA) After-the-Fires grant funds;

Authorizing the Mayor, or his designee, to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the City Auditor and Comptroller, upon receipt of a fully-executed grant agreement, to accept \$15,000 in AFTA After-the-Fires grant funds into Agency Fund 63096 for later pass-through to the San Diego Foundation for distribution to individual artists;

Authorizing the City Auditor and Comptroller, upon receipt of a fully-executed grant agreement, to accept, appropriate, and expend \$5,000 in AFTA After-the-Fires grant funds to support the Commission's administration of AFTA disaster relief efforts and re-granting to the San Diego Foundation;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this program;

Declaring that the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3) because the purchase is a continuing administrative or maintenance activity, and therefore not a project pursuant to Guidelines Section 15378(b)(2).

STAFF SUPPORTING INFORMATION:

The San Diego Foundation (Foundation), the region's largest foundation, has completed a region-wide assessment of the impact of the fires to San Diego which addresses the needs and priorities of important segments of the community including arts and culture.

With the preliminary assessment complete, the Foundation's Arts and Culture Working Group in collaboration with the City of Diego Commission for Arts and Culture (the Commission) are taking a leadership role in the development of a strategy which will provide a fair and equitable process for the re-granting of After-the-Fires funding to individual artists who lost studios, equipment, artistic works and contracts and/or nonprofit arts and culture organizations that lost revenue as a result of the fires. By combining funding and by working collaboratively, the Foundation and Commission believe that they are providing the community with the broadest and most robust philanthropic response effort possible.

FISCAL CONSIDERATIONS:

The Americans for the Arts will provide \$20,000 in After-The-Fires grant funding to the Commission in Fiscal Year 2008. Of the \$20,000, \$15,000 will be re-granted to the San Diego Foundation, which will provide matching funds for distribution to individual artists. The remaining \$5,000 will support the Commission's administration of AFTA disaster relief efforts and re-granting to the San Diego Foundation.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Foundation and Commission have identified several actions that form the basis for the disaster relief strategy:

- Form a joint task force of Foundation and Commission volunteers to review the Foundation's preliminary assessment report for short and long-term implications and begin an arts and culture disaster relief planning process;
- Contract additional administrative support to staff the disaster response effort;
- Develop a secondary assessment process that may include surveys, phone interviews or small group meetings to gather additional information from individual artists, nonprofit arts and culture organizations and the stewards of cultural properties affected by the fires;
- Based on the findings from the secondary assessment, develop a set of guidelines and instructions that will allow the community to apply for support;
- Develop a timeline that will allow the allocation of all funds within the next 18-24 months, depending upon the amount of funds available and the need.
- The secondary assessment process and surveys will be completed by the first quarter of 2008.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Hamilton/Mitchell

Staff: Victoria Hamilton - (619) 236-6778
Sanna R. Singer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-108: Fiscal Year 2007/2008 Proposition 1B – Local Streets and Roads Improvement, Congestion Relief, and Traffic Safety.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1005) CONTINUED TO MONDAY, MAY 19, 2008

Authorizing the Mayor, or his designee, for and on behalf of the City, to make an application to the California Department of Finance for \$21,180,426 in Proposition 1B funds for the local streets and roads improvements;

Authorizing the Mayor, or his designee, to take all necessary actions to secure funds from the California Department of Finance for the local streets and road improvements;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants;

Declaring that this activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 150606(c)(2). Any construction activities related to this approval will be subject to environmental review.

STAFF SUPPORTING INFORMATION:

In May, Governor Arnold Schwarzenegger signed Senate Bill 1266 (Perata), placing before voters during the November 7, 2006 statewide general election the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Known as Proposition 1B, this measure authorized the sale of \$19.925 billion of state general obligation bonds for specified purposes, including local street and road improvement, congestion relief, and traffic safety. The funds were equally divided between cities and counties, and were allocated by formula to local jurisdictions.

The City of San Diego's FY2007/2008 allocation of Prop 1B funding is \$21,180,426. Projects were selected for Prop 1B funding by considering the factors in Council Policy 800-14, Prioritizing Transportation & Drainage CIP projects: Health & Safety; Capacity and Service; Project Readiness (for construction); Grant Funding Opportunities; and Reducing Maintenance Needs.

The following is the list of proposed Prop 1B projects that have been included in the FY 2009 Proposed Budget:

- 43rd Street and Logan/National Avenue Intersection (Council District 4)
- First Avenue Bridge over Maple Canyon - Rehabilitation (Council District 3)
- Guardrails (Citywide)
- Normal Street Median (Council District 3)
- Street Lights (Citywide)
- Traffic Control/Calming Measures (Citywide)
- Willow Elementary School (Council District 8)
- Resurfacing City Streets with Asphalt Overlay (Citywide)
- Ransom/Darwin Storm Drain (Council District 8)
- 6th Avenue Storm Drain (Council District 3)
- Ingulf Place Storm Drain (Council District 6)
- Resurfacing City Streets with Slurry Sealing (Citywide)

The list provides detailed information on the project description, location, schedule of completion, and useful life of the capital improvement.

FISCAL CONSIDERATIONS:

This action accepts funding by the California Department of Finance under the three-year use it or lose it provision that states all Proposition 1B Local Streets and Roads monies allocated in FY 2007-2008 must be expended by June 30, 2011.

PREVIOUS COUNCIL COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): N/A

Boekamp/Jarrell

Staff: Patti Boekamp - (619) 236-6274
Ryan Kohut - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:41 a.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, MAY 19, 2008, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-109: Sewer Easement Vacation in Pueblo Lands of San Diego M.M. 36 P.L. 1164, (Barrio Logan Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-987) ADOPTED AS RESOLUTION R-303701

Declaring that the public service sewer easement located within Pueblo Lands of San Diego M.M. 36, Por. P.L. 1164, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20660-B, marked as Exhibit "B," is ordered summarily abandoned to unencumber this property, under the procedure for the summary abandonment or vacation of public service easements, California Streets and Highways Code Section 8330 et seq. (and specifically Sections 8333 and 8335) and San Diego Municipal Code Section 125.1010(c);

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder. *From and after the date of recordation of this Resolution, the abandoned public service easement shall no longer constitute a public service easement. Upon such recordation, the abandonment is complete;*

Finding that this action is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

This project is located in the Barrio Logan Community Plan area in Council District 8, on the northwest corner of Sampson Street and Harbor Drive. This project consists of vacating a sewer easement that was granted at no cost to the City by separate document recorded April 7, 1993 as Document No. 1993-0213888 of Official Records. As part of the development of the new Silvergate Electrical Substation, SDG & E will demolish an existing building and the sewer to serve the new building will be connected into the street per Engineering Drawing No. 34430-D, for which Engineering Permit No. 416563 has been issued. The easement being vacated contains no other public facilities, and there is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):
SDG&E.

Broughton/Anderson

Staff: Geraldine Bollenbach - (619) 446-5417
Shirley R. Edwards – Chief Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: F-10251

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-110: Appointment and Reappointment to the Planning Commission.

(See memorandum from Mayor Sanders dated 4/17/2008, with resumes attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-976) ADOPTED AS RESOLUTION R-303681

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the Planning Commission, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Tim Golba (La Jolla, District 1) (Replacing Kathleen Garcia, who is termed out)	January 28, 2012
Dennis Otsuji (Scripps Ranch, District 5) (Reappointment)	January 28, 2012

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-111: Appointment to the Public Facilities Financing Authority Board of Commissioners.

(See memorandum from Mayor Sanders dated 4/8/2008, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-905) ADOPTED AS RESOLUTION R-303682

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Public Facilities Financing Authority Board of Commissioners:

NAME

Henry Roy
(Carmel Valley, District 1)
(Replacing L. Renee Comeau,
who has resigned)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-112: San Diego County Office of Education Innovative Video in Education (iVIE) Awards Day.

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-982) ADOPTED AS RESOLUTION R-303683

Proclaiming May 13, 2008, to be "San Diego County Office of Education Innovative Video in Education (iVIE) Awareness Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-113: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-700) ADOPTED AS RESOLUTION R-303684

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

FILE LOCATION: GEN'L – State of Emergency Regarding the Wildfires

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-814) ADOPTED AS RESOLUTION R-303685

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

COUNCIL ACTION: (Time duration: 11:26 a.m. – 11:29 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-115: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-753) ADOPTED AS RESOLUTION R-303686

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-116: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-862) ADOPTED AS RESOLUTION R-303687

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

FILE LOCATION: GEN'L – State of Emergency Regarding the Landslide on Mount Soledad

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-330: In the Matter of Whether to Provide for the Defense of Defendants in Securities and Exchange Commission v. Michael T. Uberuaga, et al.

(See memorandum from Mayor Sanders dated 5/2/2008 and City Attorney Report dated 4/8/2008.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the resolution in either Option A or Option B:

Option A:

(R-2008-882) NOTED AND FILED

Finding that the complaint entitled Securities and Exchange Commission v. Michael T. Uberuaga, Edward P. Ryan, Patricia Frazier, Teresa A. Webster, and Mary E. Vattimo, (U.S.D.C. Case No. CV 0621 DMS LSP) contains allegations of fraud against the defendants who are former City employees, and that such allegations are corroborated by the Report of the Audit Committee of the City of San Diego (Kroll Report) and, therefore, declining to provide a defense to the former employees under the exceptions provided in California Government Code Section 995.2.

or

Option B:

(R-2008-882 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-303689

Finding that the complaint entitled Securities and Exchange Commission v. Michael T. Uberuaga, Edward P. Ryan, Patricia Frazier, Teresa A. Webster, and Mary E. Vattimo, (U.S.D.C. Case No. CV 0621 DMS LSP) contains allegations of fraud against the defendants who are former City employees, and that such allegations are corroborated by the Report of the Audit Committee of the City of San Diego (Kroll Report) and, therefore, declining to provide a defense to former City employees _____ under the exceptions provided in California Government Code Section 995.2;

Authorizing the payment of attorney's fees and costs related to the provision of a defense of former City employees _____ in the action entitled Securities and Exchange Commission v. Michael T. Uberuaga, Edward P. Ryan, Patricia Frazier, Teresa A. Webster, and Mary E. Vattimo, (U.S.D.C. Case No. CV 0621 DMS LSP), provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that the City Council, pursuant to Government Code Section 825.6(a)(2), reserves its right to recover any settlement or judgment if: (1) the former employee(s) fails to establish that the act or omission on which the claim or judgment is based occurred within the scope of employment, or (2) the City establishes that the employee(s) acted or failed to act because of actual fraud, corruption or actual malice, or (3) or that the former employee failed or refused to reasonably cooperate in good faith in the defense conducted by the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 3:02 p.m.)

MOTION BY YOUNG TO ADOPT THE RESOLUTION IN OPTION B AS AMENDED 1) NOT TO INDEMNIFY EDWARD P. RYAN, PATRICIA FRAZIER, TERESA A. WEBSTER, AND MARY E. VATTIMO; 2) TO ALLOW A MONTH FOR THE CITY ATTORNEY TO RESEARCH THE CASE AGAINST MICHAEL T. UBERUAGA AND TO MAKE A RECOMMENDATION FOR FUTURE ACTION; 3) THAT THE CITY ATTORNEY SHALL NOTIFY MR. UBERUAGA WITHIN 20 DAYS REGARDING THE INVESTIGATION. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-recused, Young-yea, Maienschein-yea, Frye-recused, Madaffer-yea, Hueso-yea.

ITEM-331: Settlement of Attorney Fees in the Matter of Zucchet, Murphy, and Inzunza vs. City of San Diego.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-873) ADOPTED AS RESOLUTION R-303688

A Resolution approved by the City Council in Closed Session on Tuesday, February 4, 2008, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Council President Pro Tem Madaffer-nay; Hueso-not present.

Authorizing the Mayor to pay the total sum of \$88,893.95 in the settlement of each and every claim against the City of San Diego, its agents and employees, regarding attorney fees arising from the lawsuit of Michael Zucchet, Richard Murphy, and Ralph Inzunza vs. City of San Diego, et al., San Diego Superior Court Case No. GIC 857389;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$88,893.95, made payable to Coughlan, Semmer & Lipman, LLP Trust Account, in full settlement;

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all attorney fees arising from the lawsuits of Michael Zucchet, Richard Murphy, & Ralph Inzunza vs. The City of San Diego.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was considered in Closed Session on February 4, 2008, the City Council approved the settlement amount of \$88,893.95. City Council voted 6 to 1 to approve. The motion was made by Councilmember Faulconer with a second by Councilmember Frye. Council President Pro Tem Madaffer voted nay and Councilmember Hueso was absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Cordileone/Lewis

Aud. Cert. 2800683.

Staff: Janice Ellis - (619) 236-7705
Joe B. Cordileone – Senior Deputy City Attorney

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:53 a.m. – 11:54 a.m.)

MOTION BY HUESO TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present,
Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Five actions related to Approving Final Project Specifications/Plans; Approving Project Budget Amendment and Encumbrances; Awarding Construction Contract; and Other Related Actions; for the Park Boulevard at Harbor Drive Pedestrian Bridge Project. (District 2.)

(See Centre City Development Corporation Report CCDC-08-15/CCDC-08-07.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions in Subitems A to D and introduce the ordinance in Subitem E:

Subitem-A: (R-2008-963) ADOPTED AS RESOLUTION R-303690

Approving Bid No. K084022CA from Reyes Construction and the final project specifications/plans No. 4022a for the Park Boulevard at Harbor Drive Pedestrian Bridge Project.

Subitem-B: (R-2008-964) ADOPTED AS RESOLUTION R-303691

Accepting the future conveyance of Redevelopment Agency-owned property and all bridge project improvements upon completion of the Park Boulevard at Harbor Drive Pedestrian Bridge Project, and authorizing the execution of all documents necessary to effectuate such transfer.

Subitem-C: (R-2008-965) ADOPTED AS RESOLUTION R-303692

Authorizing the Mayor, or his representative, to make application to the California Transportation Commission for \$8.4 million in Prop 1B grade separation grant funds for Project construction;

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the California Transportation Commission for construction of the Project;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants;

Authorizing the City Auditor and Comptroller to appropriate and expend \$8.4 million from a City fund, contingent upon receipt of a fully executed grant agreement;

Authorizing the acceptance of state/federal grade separation grant funds of approximately \$8.4 million, and if the grant application is approved, transfer of said funds to the Agency to be expended on construction costs for the Project.

Subitem-D: (R-2008-966) ADOPTED AS RESOLUTION R-303693

Stating for the record that the information contained in the Final Mitigated Negative Declaration (MND), including any comments received during the public review process, has been previously reviewed and considered by the Council and it is determined that no substantial changes or new information of substantial importance within the meaning of National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) would warrant any additional environmental review in connection with approval of construction of the Park Boulevard at Harbor Drive Pedestrian Bridge Project.

Subitem-E: (O-2008-147) INTRODUCED, TO BE ADOPTED
TUESDAY, MAY 27, 2008

Declaring that the City shall participate in and approve the final inspection of the Project prior to final acceptance. The City has previously approved the project design and bid specifications;

Declaring that the City shall operate and maintain the Pedestrian Bridge, as well as the related improvements, including the elevator and adjacent plazas, once completed;

Authorizing an annual expenditure of an amount not to exceed \$40,000 (with CPI adjustments annually), solely and exclusively, to provide funds for the maintenance and operation of the Project, as long as the Project exists;

Certifying the Final Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments (referred to herein as the "SEIR") through Resolution No. R-292363, and the Project is a redevelopment implementation activity whose environmental impacts were assessed in the MEIR/SEIR. The Corporation, acting on behalf of the Agency, prepared a Mitigated Negative Declaration (MND) in accordance with and pursuant to the California Environmental Quality Act of 1970 (CEQA) and state and local regulations and guidelines adopted pursuant thereto, which assessed the environmental impacts of the development of the Project. The Council considered the environmental effects of the Project as shown in the MEIR/SEIR and the MND, and the Council previously certified the MND through Resolution No. R-300121.

NOTE: See the Redevelopment Agency Agenda of May 13, 2008, for a companion item.

FILE LOCATION: SUBITEMS A, B, C, & D: MEET
SUBITEM E: NONE

COUNCIL ACTION: (Time duration: 5:15 p.m. – 5:16 p.m.)

MOTION BY FAULCONER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, AND D; AND TO INTRODUCE THE ORDINANCE IN SUBITEM E. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Five Points Neighborhood Pedestrian Improvements Project. (Midway Pacific Highway Corridor and Uptown Community Areas. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-762) ADOPTED AS RESOLUTION R-303694

Finding and determining that the Five Points Neighborhood Pedestrian Improvements Project (Project) is of benefit to the North Bay Redevelopment Project Area that no other reasonable means for financing is available to the community; that the Project will assist in eliminating one or more blighting conditions in the Project Area; and that the Project is consistent with the Implementation Plan adopted for the Project by the Agency on July 29, 2003, on file as Document No. 03664 in the office of the Secretary to the Agency, pursuant to California Health and Safety Code Section 33490;

Authorizing the addition of Capital Improvement Program Budget No. 64-005.0 to Fiscal Year 2008 Capital Improvement Program (CIP);

Authorizing the City Auditor and Comptroller to accept an amount not to exceed \$150,000 from the North Bay Redevelopment Project Area into Fund No. 10252, North Bay Redevelopment CIP Contributions;

Authorizing an increase in the Fiscal Year 2008 CIP budget in CIP Budget No. 64-005.0 to include the \$150,000 in Agency contributions;

Authorizing the City Auditor and Comptroller to appropriate and expend the funds from the Agency in the amount not to exceed \$150,000 from Fund No. 10252 for implementation of the Project;

Authorizing the City Auditor and Comptroller, upon the advice of the administering department, to transfer excess funds, if any, to Fund 10252, North Bay Redevelopment CIP Contributions;

Declaring this activity is exempt from CEQA pursuant to state CEQA Guidelines Section 15301(c).

STAFF SUPPORTING INFORMATION:

Uptown Partnership, Inc. (UPI) and the City's Engineering and Capital Projects Department jointly conducted a study of the commercial and residential areas in the Five Points Neighborhood to identify improvements that could address public concerns including parking shortages and circulation problems. The study identified several capital projects that can improve parking and circulation for the Five Points commercial district, within the North Bay Project Area (Project). The proposed Five Points public improvements include two pedestrian curb ramps, two curb extensions, and one countdown pedestrian crossing signal. Total project costs are estimated at \$150,000 and are proposed to be funded by tax increment from the North Bay Project Area. There are no ongoing maintenance requirements associated with the subject improvements.

The Five Points area has deficient and/or defective infrastructure, blight conditions that have existed since the adoption of the North Bay Redevelopment Plan in 1998. The proposed pedestrian improvements and count-down pedestrian crossing signal will create a safer, more walk able environment for residents, visitors, and merchants between the Five Points Commercial Corridor and the Washington Street Trolley line. In addition, these improvements could serve to stimulate economic activity for the commercial area.

Finally, pursuant to California Redevelopment Law Section 33445, the Agency is legally authorized to pay for the design and installation of public improvements in the Project Area if certain findings can be made by the Agency.

FISCAL CONSIDERATIONS:

Total project costs are estimated at \$150,000. Funding is available from North Bay Redevelopment Project Area tax increment.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The North Bay PAC voted 10-0, to recommend funding for the Five Points Pedestrian Improvements at its March 5, 2008 meeting.

The Midway Pacific Highway Corridor Community Planning Group, Uptown Planners, Uptown Partnership and the Mission Hills BID support the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Business and property owners in the Five Points Neighborhood, Mission Hills Business Improvement District, and the Uptown Partnership, Inc.

Weinrick/Anderson

Staff: Lydia Goularte-Ruiz - (619) 236-6539
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 13, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:15 p.m. – 3:15 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: Cedar Gateway Affordable Housing Project and Rehabilitation of Bradley-Woolman Saint Cecilia Chapel - Design Review and Approval of Disposition and Development Agreement and Ground Lease. (Cortez Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

(See Centre City Development Corporations Report No. CCDC-08-06/
CCDC-08-08.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-980) ADOPTED AS RESOLUTION R-303695

Recognizing that the City Council has received and heard all oral and written objections to the proposed Disposition and Development Agreement, Ground Lease and other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled;

Finding and determining that the development of the Site will assist in the elimination of blight in the Centre City Redevelopment Project Area, and is consistent with the Implementation Plan;

Approving the Disposition and Development Agreement, which establishes the terms and conditions for the development of the real property;

Approving the terms and conditions of the proposed Ground Lease between Agency and Cedar Gateway, L.P.;

Acknowledging that the Executive Director of the Agency, or his designee, is hereby authorized to execute the Disposition and Development Agreement on behalf of the City. A copy of the Agreement, when executed, shall be placed on file in the Office of the Secretary of the Agency;

Acknowledging that the Executive Director of the Agency, or his designee, is hereby authorized to execute the Ground Lease on behalf of the City. A copy of the Agreement, when executed, shall be placed on file in the Office of the Secretary of the Agency;

Acknowledging that the Executive Director of the Agency, or his designee, is hereby authorized, on behalf of the City to sign all documents necessary and appropriate to carry out and implement the Disposition and Development Agreement and Ground Lease and to administer the Agency's obligations, responsibilities and duties to be performed under said Agreement and Ground Lease.

Subitem-B: (R-2008-981) ADOPTED AS RESOLUTION R-303696

Declaring that the Council has previously reviewed and considered information contained in the EIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance and Tenth Amendment to the Plan, as well as the Environmental Secondary Study relating to the development of the Cedar Gateway Project and hereby finds that there are no changes to the Project that would have any additional or significant effect on the environment, except those previously identified and considered in the EIR and accounted for in the Mitigation Monitoring and Reporting Program for the Project;

Declaring that a Notice of Determination shall be filed with the Clerk of the Board of Supervisors for the County of San Diego regarding the development contemplated by the Disposition and Development Agreement and Ground Lease and related activities.

SUPPORTING INFORMATION:

Squier Properties, LLC and ROEM Corporation have joined to propose a 65-unit affordable rental housing development in the Cortez Redevelopment District ("Project"). All of the 65 units would be restricted to very low- and extremely low-income households. Twenty three (23) of the 65 affordable units will be set aside as supportive housing units for the special needs population. The project site contains a vacant historic chapel that was constructed in 1928. The Agency would acquire the entire project site from the Developer, rehabilitate the historic structure and lease or sell it to a commercial tenant to recover the Agency's investment. On the housing portion of the land, the Agency would enter into a ground lease with the Developer for a minimum of 65 years. A DDA will be executed between the Agency and Developer for the development of the affordable housing project. An Agency subsidy in the amount not to exceed \$8,926,000 will be provided for the affordable housing project from its Low and Moderate Income Housing Funds.

The costs associated with the acquisition and rehabilitation of the historic structure (\$3,803,000) would be financed by the Agency's Tax Increment funds (80% funds) and potential revenues from the Transfer of Development Rights.

FISCAL CONSIDERATIONS:

Authorize the expenditure of funds in the total amount not to exceed \$12,729,000 for the new construction of the Cedar Gateway affordable housing project and acquisition and rehabilitation of the historic Bradley-Woolman Saint Cecelia Chapel and its related parking. Of the total amount, \$8,926,000 is available in the FY 2008 Low and Moderate Income Housing Fund to be used for the acquisition and development of the new affordable housing project, and \$3,803,000 is available in the Cortez Neighborhood line item of the FY 2008 Centre City Redevelopment Project Area budget to be used for the acquisition and rehabilitation of the historic chapel and its parking with the proposed budget amendments.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

The Centre City Development Corporation ("Corporation") is scheduled to review the item on April 30, 2008. Staff will orally present the Corporation's recommendation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 16th, the Centre City Advisory Committee ("CCAC") voted 19 in favor, 3 opposed; and the Project Area Committee (PAC) voted 17 in favor, 3 opposed, approving the staff recommendation.

The project was presented to the Cortez Hill community on January 29, 2008 and April 8, 2008 at the Mills @ Cortez Hill, a condominium project located across from the proposed project site. The Developer incorporated some of the suggestions provided by the community.

Kameyama/Graham/Kalbag

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of May 13, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:17 p.m. – 4:21 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-335: 1944 Plum Street Right-of-Way Vacation. Right-of-Way Vacation for the portion of Plum Street fronting property at 1944 Plum Street and alongside the property at Lot #12, Zone RS-1-7, Coastal Height, (not Coastal Overlay Zone), Airport Approach and Environs Overlay zones, and Earthquake Fault Buffer. (Peninsula Community Plan Area. District 2.)

Matter of approving, conditionally approving, modifying, or denying an application for a Right-of-Way Vacation for the portion of Plum Street fronting property at 1944 Plum Street and alongside the property at Lot #12, Zone RS-1-7, Coastal Height, (not Coastal Overlay Zone), Airport Approach and Environs Overlay Zones, Earthquake Fault Buffer, and Council District 2.

(R-O-W Vacation No. 338940. Project No. 102778.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-824) ADOPTED AS RESOLUTION R-303697

Adoption of a Resolution approving public Right-of-Way Vacation No. 338940 for an unimproved portion of Plum Street, located in Council District Two, Peninsula Community Plan Area adjacent to 1944 Plum Street.

OTHER RECOMMENDATIONS:

This project is a Summary vacation and as such does not require a Planning Commission recommendation.

The Peninsula Community Planning Board has recommended denial of the project.

STAFF SUPPORTING INFORMATION:**REQUESTED ACTION:**

Should the City Council approve or deny Public Right-of-Way Vacation No. 338940 for an unimproved portion of Plum Street located in Council District 2, Peninsula Community Plan area, adjacent to 1944 Plum Street.

STAFF RECOMMENDATION:

Approve Public Right-of-Way Vacation No. 338940.

EXECUTIVE SUMMARY:

Project Description: The project proposes the vacation of an unimproved portion of the Plum Street right-of-way, within the Peninsula Community Plan Area. This Public Right-of-Way Vacation is being requested by the adjacent property owners at 1944 Plum Street.

The proposed vacation includes a 50-foot wide by 200-foot deep portion of unimproved right-of-way of Plum Street, from Quimby Street southerly to match a previously vacated segment of Plum Street. Approximately 10,000 square feet of right-of-way would be vacated including portions of a storm drain and drainage ditch that would become private utilities and maintained by the property owner.

Staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated has not been met. The area to be vacated has never been utilized as a street or other public use and would not provide a logical connection to any other street due to the steep topography (approximately 40% slope). The extreme topography would make it unfeasible to improve the right-of-way for vehicular use and would also preclude safe pedestrian access. Additionally, portions of the street have been previously vacated by Council actions and there is no connectivity with other rights-of-ways.

The proposed vacation meets all of the criteria that would allow a decision maker to affirm the required findings. The portion of the street proposed to be vacated does not provide access to any of the abutting properties and the adjacent hillside makes it unlikely that the street would be improved in the future to a degree that would facilitate vehicular access. The City would benefit by relinquishing the maintenance and liability associated with the easement and the abutting property owners would benefit from the closure by regaining the vacated portion of the right-of-way for which they own the underlying fee title. The proposed vacation would not adversely affect the Peninsula Community Plan and the proposed vacation would not affect existing access to neighborhood properties.

Regulatory Framework: The Land Development Code establishes a process for approving applications to vacate public rights-of-way and includes the applicable findings that a decision maker must make to approve the requested vacation (Attachment 6). The findings generally establish that there is no present or prospective use for the right-of-way, either for the use for which it was intended, or a public use of a similar nature; that the public will benefit from the vacation by the improved use of the land; that the vacation will not adversely affect the applicable land use plan; and that the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

As described in Sections 125.0910(b) and 125.0940(c) of the Municipal Code, this section of right-of-way is eligible to be summarily vacated; therefore, a recommendation by the Planning Commission is not required.

Community Plan: The subject site is designated for single-family development in the Peninsula Community Plan. The site is not within a designated public view corridor, and is not a designated pedestrian path. Staff has determined that the unimproved right-of-way cannot be used for the purposes listed above and has no views into designated Open Space. Therefore, the request for the street vacation at this site would not adversely affect the plan.

PLANNING COMMISSION RECOMMENDATION:

This project qualifies as a Summary Street Vacation and therefore does not require a Planning Commission recommendation.

FISCAL CONSIDERATIONS:

There is no fiscal impact. Processing costs are paid for by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 17, 2007, a motion carried by the Peninsula Community Planning Board to recommend denial of the proposed right-of-way vacation by a vote 5-4-0. The board considers the street easement to be open space and generally opposes vacation actions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders – Anders and Wendy Hansson, Applicants

Anderson/Broughton

LEGAL DESCRIPTION:

Adjacent to 1944 Plum Street, Peninsula Community Plan Area.

NOTE: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301; Existing Facilities.

Staff: Patrick Hooper – (619) 557-7992
Marianne Greene – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: STRT-J-2983 (39)

COUNCIL ACTION: (Time duration: 5:16 p.m. – 5:19 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-recused, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-336: Second Amendment to Agreement for the NTC Park Improvements Project.
(Peninsula Community Area. District 2.)

(See Redéveloppement Agency Report No. RTC 08-051/RA 08-11.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-900) ADOPTED AS RESOLUTION R-303698

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Agreement for the NTC Park Improvements (Project), under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Declaring that the expenditure of funds and adoption of Findings for the Project are approved and are of benefit to the Project Area;

Declaring that the funding obligation of \$466,726 toward a future NTC Park Aquatic Center from the Community Facilities District No. 3 be removed from the Community Facilities District No. 3;

Declaring that this activity is covered under LDR No. 42-0574 NTC Park General Development Plan Mitigated Negative Declaration. That this activity is adequately addressed in the environmental document and that there is no change in circumstance, additional information, or project changes to warrant additional review. Because of the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

STAFF SUPPORTING INFORMATION:

The NTC Park Improvement Agreement (the Agreement) among the City of San Diego (the City), the Redevelopment Agency of the City of San Diego (the Agency), and McMillin NTC, LLC (the Master Developer) dated July 10, 2000, and the First Amendment to the Agreement dated May 24, 2005 (Resolution No. R-300481) provide the terms for construction of the NTC Park. Pursuant to the Agreement the estimated cost for design and construction of the Park was \$14,779,800. The Agreement identified this amount as being "based on preliminary cost estimates, and not the result of competitive bids, and is subject to change." Based on the actual costs of Phase 1 of NTC Park, and current construction costs, Park and Recreation Department staff revised the Estimated Design and Construction Cost to \$16,979,800, an increase of \$2,200,000. This represents an increase of approximately 15%. The Agreement lists actual bids exceeding the Estimated Budget, higher standards and specifications of construction as some of the anticipated reasons the estimated budget may be exceeded.

Pursuant to the Agreement, the Agency is responsible for up to 10% (\$1,477,980) of the increased costs above the original amount of \$14,779,800. The Agreement specifies that if additional costs "cause the Estimated Budget to exceed \$14,779,800 by more than 10%, then City must undertake, with its own separate funds, to finance and construct other portions of the Project which may be added to the Estimated Budget." Due to City budget constraints the Park and Recreation Department has requested that the Agency provide the remaining \$722,020.

The original Estimated Design and Construction Cost of \$14,779,800 for the development of NTC Park included a water feature near the historic Preble Field portion of the Park. On May 6, 2003 the City Council directed staff to eliminate the water feature from the Park and direct the cost savings of \$466,726 toward the design and development of a future aquatic center within the Park. The design and construction of an aquatic center is not the responsibility of the Master Developer. When the Community Facilities District (CFD) #3 budget was created it was assumed that the \$466K would be provided from levies paid by the District members. Because this would reduce the amount of CFD funds available for the construction of Phase 2 of the Park, it has been requested that the Agency also provide this funding for the proposed aquatic center. By moving this funding responsibility to the NTC Redevelopment Project, the \$466,726 accounted for in CFD #3 will now be used for physical improvements within Phase 2 of NTC Park. Upon the City identifying and allocating sufficient funding for the construction of an aquatic center, the City may request that the Agency, provide the \$466,726 for the aquatic center.

FISCAL CONSIDERATIONS:

The NTC Line Of Credit (LOC) funds are available in the amount of \$2,200,000 to assist with the completion of the NTC Park Phase II construction. Future funding for the proposed aquatic center in the amount of \$466,726 will be paid from NTC Project area funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

First Amendment to the NTC Park Improvement Agreement, May 24, 2005 (Resolution No. R-300481)

COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:

On March 20, 2008, the Peninsula Community Planning Board heard an information item regarding these actions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders include the Peninsula community and the Park and Recreation Department. Future impacts include increased Park amenities.

Weinrick/Anderson/LoMedico

Staff: Jim Winter - (619) 235-5257
Shannon Thomas - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 13, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:27 p.m. – 3:27 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:25 p.m. in honor of the memory of:

Eleanor Herzman as requested by Council Member Atkins;
Danielle Barrett as requested by Council Member Atkins; and
Nancy Ward as requested by Council President Peters.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:20 p.m. – 5:25 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 19, 2008
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:06 p.m. Council President Peters recessed the meeting at 3:25 for the purpose of a break. Council President Peters reconvened the meeting at 3:32 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:20 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:24 p.m. with Council Member Maienschein and Council Member Frye not present. The meeting was adjourned by Council President Pro Tem Madaffer at 5:24 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (sr)

FILE LOCATION:

MINUTES

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 19, 2008**

Page 2

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Al Jesse of Our Redeemer Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hueso.

FILE LOCATION: MINUTES

Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 19, 2008

Page 3

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-1 *City of San Diego, et al. v. Kinder Morgan, et al.*
U. S. District Court Case No. 07-CV-1883 W (CAB)

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 20, 2008

DCAs Assigned: J. Serrano and G. Lowenberg

This matter involves a pending lawsuit in federal court relating to contamination of the Qualcomm Stadium site. In Closed Session, the City Council will be updated on the status of the litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:08 p.m. - 4:18 p.m.)

Council President Peters closed the hearing.

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

CS-2 **Property:** 5036-60 Sterling Court, San Diego (south end of Winona Avenue)

Agency Negotiator: Jim Barwick, Director, Real Estate Assets Department

Negotiating Party: Larry Zajonc

Under Negotiation: Price and terms of payment

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 20, 2008

DCA Assigned: K. Davies

Discussion of negotiations regarding the offer received from Larry Zajonc for the sale of his property to the City for a proposed park (Fox Canyon).

Closed Session Comment 1:

John Stump commented on the need for open-space parks in City Heights and requested a continuance of this item.

Closed Session Comment 2:

Larry Zajonc commented on the status of the property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:08 p.m. - 4:18 p.m.)

Council President Peters closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

CS-3 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Rod Betts, Jessica Falk Michelli, William Gersten, Lori Thacker, and Alan Hersh

Employee Organizations: Municipal Employees Association, AFSCME Local 127 AFL-CIO, and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 20, 2008

DCAs Assigned: W. Gersten/J. Falk Michelli/L. Thacker/A. Hersh

The Mayor and City Council will be updated on the status of the labor negotiations.

Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 19, 2008

Page 5

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:08 p.m. - 4:18 p.m.)

Council President Peters closed the hearing.

CS-4 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Rod Betts, Jessica Falk Michelli, William Gersten, Lori Thacker, and Alan Hersh

Employee Organizations: Municipal Employees Association, AFSCME Local 127 AFL-CIO, and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 20, 2008

DCAs Assigned: W. Gersten/J. Falk Michelli/L. Thacker/A. Hersh

Resolution of impasse on contract negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:08 p.m. - 4:18 p.m.)

Council President Peters closed the hearing.

ITEM-150: Water Department Business Process Reengineering (BPR) Report.

(See Report to the City Council No. 08-078.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-773 Cor.Copy) ADOPTED AS RESOLUTION R-303702

Accepting the Water Department Business Process Reengineering (BPR) Report.

STAFF SUPPORTING INFORMATION:

The Mayor has commenced BPR efforts to improve efficiencies, reduce cost of City government and to maximize the services offered to our residents. BPR focuses on optimizing the efficiency and effectiveness of operational processes and functional work groups. On July 31, 2006, the City Council adopted Ordinance O-19523, establishing a policy for the implementation of BPR results (Report to City Council No. 06-094).

The mission of the Water Department is to provide San Diego with safe, reliable, cost-effective water and outstanding customer service in an environmentally sensitive manner. It does so with the help of 851 full-time employees budgeted for FY 08 working under five Divisions:

Water Operations	484 employees
Customer Support	195 employees
Engineering and CIP Project Management	55 employees
Administration	79 employees
Water Policy and Strategic Planning	38 employees

The Department has a history of looking for ways to improve operations and customer service. In 1997, the Department completed an organization-wide reengineering effort that resulted in the restructuring of several functions and divisions. On October 2001, the consulting firm of Black and Veatch completed an independent management review of department operations. The department developed and published its Strategic Business Plan in July 2002 (subsequently updated in March 2006) which, among other efficiencies, implemented Balanced Scorecards as metrics to measure and monitor progress on implementing initiatives and overall performance in an effort to become "Best-In-Class."

Almost 80% of the Water Department is currently participating in the City's Bid-to-Goal Program (Operations Division is completing its fourth year of a five year contract and the Customer Support Division is finishing its second year of implementation.) So far, this program has achieved approximately \$30 million in savings for these two divisions.

The rest of the Department is covered either by this BPR Report or by Citywide BPR effort. This BPR Report focuses on several processes within the smaller remaining divisions: Water Policy and Strategic Planning, and Business and Support Services. This effort covers a total of 61 employees or 7.1% of the Department's staff. However, the work functions selected for detailed analysis constitute only part of the workload for the staff of those Divisions. The Full Time Equivalent employees (FTE's) for the As-Is functions reviewed in this BPR total 12.50 which represents 1.5% of the department's budgeted staff.

Functions Reviewed

The processes included in this BPR effort are as follows:

- Accounts Payable - Creating Requisitions
- Accounts Payable - Invoice Processing
- CIP Analyst Project Monitoring
- Interagency Contract Administration
- Grants Application and Administration
- Initial Recycled Water Cross-Connection Control
- Long Range Planning
- Legislative Policy Review and Policy Prioritization
- Mandated Training and Safety Program
- Curriculum Development, Scheduling and Enrollment

Findings and Recommendations

Given that most of the Water Department was excluded from this BPR analysis because it was covered either by a Bid-to-Goal contract or subject to City-wide BPR efforts, the savings identified in the scope of this study are very narrow. While the total FTE's required to perform the several, disparate work functions included in this BPR study could theoretically be reduced from 12.50 to 10.67, that potential savings of 1.83 FTE's represents numerous job classifications that all have other responsibilities than those studied here. Unfortunately, the savings cannot be consolidated into a single job classification or position. Therefore, this study cannot recommend the elimination of any positions.

Even so, the Department was able to identify some opportunities for increasing efficiency and effectiveness. Duplicate training classes were eliminated. The proposed automation of invoice processing and training enrollment would significantly cut process steps and wait time. While some recommendations would add positions, such proposed staffing increases are seen as enhancing prospects for grant funding, meeting expectations of State and County regulator and improving service to both internal and external customers. However, existing positions were realigned to address these new staffing needs. A detailed description of the specific recommendations is outlined in the BPR Final Report.

Peer reviews showed that current processes mirror those employed by other agencies and municipalities and those aspects that worked well for other agencies, along with valuable stakeholder input, were incorporated into the proposed To-Be processes. The BPR project allowed the Water Department the opportunity to learn from both stakeholders and other agencies.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council previously approved the Bid-to-Goal Programs for Water Operations and Customer Support and Citywide BPR Reports on Engineering, Information Technology, and Human Resources organizational efficiency.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Stakeholders were invited to meetings to discuss improvements they would like to see in current processes. Some of these meetings were held off-site (outside Downtown San Diego) to encourage stakeholder attendance. Stakeholders interviewed included actual customers and representatives from retail and wholesale water agencies, municipalities, the County of San Diego, regulatory agencies, and City of San Diego employees from the Water Department and other departments who take part in each of these processes under review.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All ratepayers benefit from reduced wasted time on invoice processing and scheduling of training classes. Recommended process improvements also enhance customer service and communications among City departments and other agencies.

Ruiz/Barret

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:47 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-200: City Council Discussion of the Fiscal Year 2009 Proposed Budget.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

HEARING HELD

Allow for City Council discussion and budget deliberation of the Fiscal Year 2009 Proposed Budget.

SUPPORTING INFORMATION:

There is no requested Council action with this item. This item is to allow for City Council discussions and deliberations on the FY 2009 Proposed Budget, which will be voted on at a later date.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:18 p.m. - 4:20 p.m.;
4:24 p.m. - 5:11 p.m.)

ITEM-201: Authorizing the Appropriation and Transfer of \$5,000,000 from the General Fund Unallocated Reserve to the General Fund Appropriated Reserve.

(See Independent Budget Analyst Report No. 08-43.)

STAFF'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2008-149 Rev. 1) INTRODUCED AND ADOPTED AS AMENDED
AS ORDINANCE O-19751 (NEW SERIES)

Introduction and adoption of an Ordinance amending Ordinance No. O-19652 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2008 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year", by appropriating \$5,000,000 from the General Fund Unallocated Reserve to Fund 100, Dept. 602, General Fund Appropriated Reserve;

Amending the Appropriation Ordinance to authorize the City Auditor and Comptroller, upon approval by Council resolution, to transfer and expend appropriations from the General Fund Appropriated Reserve to other General Fund departments and to General Fund contributions to the CIP;

Ratifying and approving the following Council resolutions and the actions taken:

- a) Transfer up to \$2,219,500.18 from General Fund Appropriated Reserve (Dept. 602) to General Fund Citywide Program Expenditures (Dept. 601) then transfer to the Public Liability Fund (81140) and other enterprise funds based upon the FTE allocation. This transfer is for payment of court ordered legal fees relating to SDCERS litigation. R303276 passed on December 12, 2007.
- b) Transfer \$2,000,000 from Appropriated Reserve (Dept. 602) to General Fund Contributions to the CIP (Fund 630221) for emergency repair of Soledad Mountain Road. R-303265 passed on December 18, 2007.
- c) Transfer \$800,000 from General Fund Appropriated Reserve (Dept. 602) to the City Planning and Community Investment Department (Dept. 065) and authorize to expend up to \$800,000 for the completion of the Otay Mesa Community Plan Update. R-303275 passed on December 18, 2007.

- d) Transfer \$792,181 from General Fund Appropriated Reserve (Dept. 602) to the City Planning and Community Investment Department (Dept. 065) for the Grantville Master Plan consulting contract. R-303550 passed on April 1, 2008.
- e) Transfer \$184,750 from General Fund Appropriated Reserve (Dept. 602) to the General Fund Citywide Program Expenditures (Dept. 601) for the first amendment to the Agreement with Liebert Cassidy Whitmore for professional services. R-303500 passed on April 8, 2008.

STAFF SUPPORTING INFORMATION:

The General Fund Reserve Policy (O-19679), adopted on November 13, 2007, established the General Fund Appropriated Reserve Department (Dept. 602) and appropriated \$7,000,000 to this department from the General Fund unallocated reserves. It was the intention of the policy to allow for transfers from the Appropriated Reserve Department to other General Fund Departments authorized by Council resolution. However, O-19679 did not include the language necessary to amend the Fiscal Year 2008 Appropriation Ordinance (O-19652) to provide this authority. Therefore, in order to allow the City Comptroller to carry out the intended purpose of the Reserve Policy and fund unanticipated operational needs during Fiscal Year 2008, it is necessary to amend the Appropriation Ordinance to allow transfers to be authorized by Council resolution. Ratification of the following listed actions that have been previously approved via Council resolution is necessary to allow these actions to be completed.

1. Transfer up to \$2,219,500.18 from General Fund Appropriated Reserve (Dept. 602) to General Fund Citywide Program Expenditures (Dept. 601) then transfer to the Public Liability Fund (81140) and other enterprise funds based upon the FTE allocation. This transfer is for payment of court ordered legal fees relating to SDCERS. R-303276 passed on December 12, 2007.
2. Transfer \$2,000,000 from Appropriated Reserve (Dept. 602) to General Fund Contributions to the CIP (Fund 630221) for emergency repair of Soledad Mountain Road. R-303265 passed on December 18, 2007.
3. Transfer \$800,000 from General Fund Appropriated Reserve (Dept. 602) to the City Planning and Community Investment Department (Dept. 065) and authorize to expend up to \$800,000 for the completion of the Otay Mesa Community Plan Update. R-303275 passed on December 18, 2007.

4. Transfer \$184,750 from General Fund Appropriated Reserve (Dept. 602) to the General Fund Citywide Program Expenditures (Dept. 601) for the First Amendment to the Agreement with Liebert, Cassidy Whitmore for professional services. R-303500 passed on April 8, 2008.

The following actions to transfer appropriations from the General Fund Appropriated Reserve were approved by City Council by Ordinance and no further action is needed.

5. Transfer up to \$369,500 from General Fund Appropriated Reserve (Dept. 602) to General Fund Citywide Program Expenditures (Dept. 601) for services provided by Hawkins, Delafield & Wood. O-19695 passed on December 18, 2007.
6. Transfer \$40,000 from General Fund Appropriated Reserve (Dept. 602) to Council Administration (Dept. 029) for the addition of 1.0 committee consultant to the Ad Hoc Committee on Fire Prevention. O-19703 passed on January 22, 2008.
7. Transfer \$50,000 from General Fund Appropriated Reserve (Dept. 602) to Office of the Independent Budget Analyst (Dept. 030) for the addition of 1.0 Office of the Independent Budget Analyst staff member. O-19702 passed on January 28, 2008. To replenish depleted reserves in the General Fund Appropriated Reserve, it is requested that Council Approve and Authorize the City Auditor and Comptroller to appropriate \$5,000,000 from the General Fund Unallocated Reserves to the Appropriated Reserve, Fund 100, Dept. 602 for Fiscal Year 2008.

FISCAL CONSIDERATIONS:

The amount of \$5,000,000 will be appropriated from the General Fund Unallocated Reserve, reducing the General Fund Unallocated Reserve.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Tirandazi/Lewis

Aud. Cert. 2800732.

Staff: Nader Tirandazi - (619) 236-6060
Brant Will - Deputy City Attorney

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 200 on the docket of Monday, May 12, 2008, for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:47 p.m. - 3:57 p.m.)

MOTION BY MADAFFER TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE AS AMENDED BY APPROPRIATING \$2,500,000 INSTEAD OF \$5,000,000. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-202: Police Department Business Process Reengineering (BPR) Study.

(See Report to the City Council No. 08-076.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-918) ADOPTED AS RESOLUTION R-303703

Accepting the report of the Police Department's BPR Review and the recommendations listed in Attachment A to the Report;

Declaring that any expenditures, new funding, or budgetary adjustments are still subject to the usual City processes, including compliance with all federal, state, and local laws, and all Council Policies and Administrative Regulations.

STAFF SUPPORTING INFORMATION:

When incoming workload exceeds the available capacity to perform that work, the result is a loss of effectiveness. Adding work capacity by streamlining work processes closes the gap between incoming workload and the ability to perform the work. This results in operational improvements throughout the organization and increased Departmental effectiveness.

The purpose of the Police Department Reengineering Study was to evaluate selected Police Department functions and make recommendations as to how to provide the citizens of San Diego the services associated with these core functions in the most effective and efficient manner. The Police Department established the following three sub-committees to conduct this evaluation: 1) Core Functions & Organizational Structure, 2) Investigative Workload, and 3) Civilian Staffing. This report contains the overall findings and recommendations from the Police Department Reengineering Study.

The work of the three sub-committees was very focused. As a result of the level of effort and commitment put forward by the members of each of the sub-committees, significant operational improvements in the way the San Diego Police Department currently does business have been identified and recommended for implementation.

While this report provides a framework for becoming a more effective and efficient Department, the work accomplished over the past year has merely laid the foundation for the work that will begin during the Implementation Phase of the project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Department included a number of external stakeholders with background and familiarity with the Department's operations.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Meet and Confer requirements for the relevant labor organizations (Municipal Employees Association and Police Officers Association) have been completed.

Lansdowne/Olen

Staff: Marta Williams - (619) 531-2662
Mary T. Nuesca - Deputy City Attorney

Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 19, 2008

Page 15

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:58 p.m. - 3:24 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-203: Fire-Rescue Department Business Process Reengineering (BPR).

(See Report to the City Council No. 08-077.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-912 Cor. Copy) ADOPTED AS RESOLUTION R-303704

Accepting the report of the Fire-Rescue Department management's BPR Review and approving the recommendations listed in Attachment A to the Report.

STAFF SUPPORTING INFORMATION:

This BPR focused on a review of the Fire-Rescue Department's management practices rather than the more typical process-oriented analysis of most BPRs. Key aspects of this study are discussed in this executive summary. A listing of all BPR recommendations is provided as Attachment A while a detailed analysis of the department's staffing strategies is provided as Attachment B.

STAFFING STRATEGIES:

All aspects of the departments staffing strategies and practices were studied. This included a review of labor law regarding the payment of overtime (OT), firefighter work schedules, engine/truck company minimum staffing levels, the use of constant staffing to maintain minimum staffing, training of firefighters as EMTs, and a review of CY2006 staffing data to determine leave usage and cost of hiring versus OT to fill vacancies.

Recommendation/Conclusion:

The department is employing staffing strategies and practices that are efficient, cost-effective and consistent with those found in a vast majority of the 14 large fire service agencies surveyed. In CY2006, the use of overtime in lieu of additional hiring to fill short-term firefighter vacancies saved the City \$3 million in personnel costs. These savings consisted of \$1.7 million in direct cost savings and the avoidance of \$1.3 million in costs that would have been incurred by overstaffing if additional employees had been hired, in lieu of using OT.

TELESTAFF STAFFING PROGRAM:

The TeleStaff staffing software program is used to schedule work shifts for 978 Operations Division (e.g., fire fighting, helicopter program) personnel.

Recommendation/Conclusion:

The department recommends expanding the use of TeleStaff to the scheduling of all department personnel. The purchase of the reporting module for the TeleStaff program would automate many of the data gathering and reporting functions currently done manually. This will cost \$5,388, and can be absorbed in the current budget. As management of the TeleStaff system is an adjunct duty of firefighters assigned to the Airport Fire Station, no personnel reductions are possible as a result of this expenditure; however, this will result in more timely production of management reports and enable assigned personnel to devote more hours to required training and other administrative activities.

SPECIALTY TEAM AND SPECIAL STATION ASSIGNMENTS:

SDFD provides the community with a wide variety of specialty services. The use of "cross-staffed" and "cross-trained" firefighters has proven to be a cost efficient method of providing these services. However, the cross-staffing practice can compromise overall operations in those cases where an engine or truck company must be placed out-of-service to staff the specialty response apparatus.

Recommendation/Conclusion:

The department recommends that response readiness impacts be assessed as part of any decision to cross-staff emergency apparatus. In situations where the criticality of the mission and/or the response activity levels suggests the need to create stand-alone specialty units, a case should be made through the budgetary process to address these issues.

Explosive Device Team (EDT)

EDT personnel have found it increasingly difficult to meet the FBI's monthly 16-hour training requirement under the present training structure of eight hours of dedicated training and eight hours of training to be conducted while on-duty and cross-staffing a fire engine/truck at Fire Station 1. This on-duty training often impacts other assigned duties and compromises training effectiveness. Due to these adverse impacts, training often falls short of the required 16 hours per month.

Recommendation/Conclusion:

The department recommends that an additional eight hours of dedicated training be provided to EDT technicians to meet FBI requirements. This will cost \$65,260 annually.

Light and Air Apparatus (LA-1)

The Light and Air apparatus are used to refill all department self-contained breathing apparatus used by firefighters. LA-I is staffed via OT for the first 12 hours of each 24-hour shift. The second 12 hours are crossed-staffed with a firefighter assigned to one of the three emergency response units at Fire Station 1. The cost of this OT staffing model is \$163,665 annually.

Recommendation/Conclusion:

The department recommends that once the air compressor installations at all battalion headquarters are completed, OT staffing of the Light and Air unit be discontinued. Staffing for emergency use of the Light and Air units would then be provided by personnel assigned to Fire Stations 1 and 40 on a cross-staffed basis, as is currently the case after 8 p.m. This recommendation will result in a maximum cost savings of \$163,665 in the first year (dependent upon date of project completion) and the full amount annually thereafter.

FISCAL CONSIDERATIONS:

The following table summarizes the estimated net expenses in the FY08 and FY09 budgets. Due to the uncertain timing of implementation, these impacts have not been addressed in the FY2009 budget; however, they will be addressed once implementation is completed.

Cost Impacts ExpectedImpact

FY08 (to be absorbed in current budget)

Purchase TeleStaff reporting module \$ 5,388

Increase monthly bomb squad training from 8 to 16 hours to comply with FBI requirements - ongoing expense (March-June FY08) \$21,753

Sub Total FY08 **\$27,141**
(to be absorbed in current budget)

FY09

Discontinue OT staffing of Light and Air Unit
(maximum savings dependent compressor installation completion date) (\$163,665)

Increase monthly bomb squad training from 8 to 16 hours
to comply with FBI requirements - ongoing expense \$ 65,260

Sub Total FY09 **(\$ 98,405)**

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The work related impacts of this BPR have been appropriately covered through the Meet and Confer process with Local 145 and MEA. The resulting cost avoidance will benefit the City.

Jarman/Olen

Staff: Tracy Jarman - (619) 533-4301
David M. Stotland - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. - 2:57 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

ITEM-S400: Fiscal Year 2007/2008 Proposition 1B – Local Streets and Roads Improvement, Congestion Relief, and Traffic Safety.

(Continued from the meeting of May 13, 2008, Item 108, at the request of Councilmember Madaffer, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1005) ADOPTED AS RESOLUTION R-303705

Authorizing the Mayor, or his designee, for and on behalf of the City, to make an application to the California Department of Finance for \$21,180,426 in Proposition 1B funds for the local streets and roads improvements;

Authorizing the Mayor, or his designee, to take all necessary actions to secure funds from the California Department of Finance for the local streets and road improvements;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants;

Declaring that this activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 150606(c)(2). Any construction activities related to this approval will be subject to environmental review.

STAFF SUPPORTING INFORMATION:

In May, Governor Arnold Schwarzenegger signed Senate Bill 1266 (Perata), placing before voters during the November 7, 2006 statewide general election the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Known as Proposition 1B, this measure authorized the sale of \$19.925 billion of state general obligation bonds for specified purposes, including local street and road improvement, congestion relief, and traffic safety. The funds were equally divided between cities and counties, and were allocated by formula to local jurisdictions.

The City of San Diego's FY2007/2008 allocation of Prop 1B funding is \$21,180,426. Projects were selected for Prop 1B funding by considering the factors in Council Policy 800-14, Prioritizing Transportation & Drainage CIP projects: Health & Safety; Capacity and Service; Project Readiness (for construction); Grant Funding Opportunities; and Reducing Maintenance Needs.

The following is the list of proposed Prop 1B projects that have been included in the FY 2009 Proposed Budget:

- 43rd Street and Logan/National Avenue Intersection (Council District 4)
- First Avenue Bridge over Maple Canyon - Rehabilitation (Council District 3)
- Guardrails (Citywide)
- Normal Street Median (Council District 3)
- Street Lights (Citywide)
- Traffic Control/Calming Measures (Citywide)
- Willow Elementary School (Council District 8)
- Resurfacing City Streets with Asphalt Overlay (Citywide)
- Ransom/Darwin Storm Drain (Council District 8)
- 6th Avenue Storm Drain (Council District 3)
- Ingulf Place Storm Drain (Council District 6)
- Resurfacing City Streets with Slurry Sealing (Citywide)

The list provides detailed information on the project description, location, schedule of completion, and useful life of the capital improvement.

FISCAL CONSIDERATIONS:

This action accepts funding by the California Department of Finance under the three-year use it or lose it provision that states all Proposition 1B Local Streets and Roads monies allocated in FY 2007-2008 must be expended by June 30, 2011.

PREVIOUS COUNCIL COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): N/A

Boekamp/Jarrell

Staff: Patti Boekamp - (619) 236-6274
Ryan Kohut - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:58 p.m. - 4:08 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-250: **Notice** of Pending Final Map Approval – Missouri Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Missouri Street Condominiums" (T.M. No. 270444/PTS No. 127908), located on the south side of Missouri Street between Mission Boulevard and Bayard Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-251: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 19, 2008

Page 22

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 4, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/20/08	137	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/25/08	132	Rules Committee review
Monday	6/30/08	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/7/08	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/28/08	99	Council adopts ordinances prepared by City Attorney
Friday	8/8/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/21/08	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

000119

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, May 19, 2008**

Page 23

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Madaffer at 5:24 p.m. in honor of the memory of:

Mike Gotch at the request of Council Member Atkins.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 5:14 p.m. - 5:24 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 20, 2008
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Pro Tem Madaffer at 10:03 a.m. Council President Pro Tem Madaffer recessed the meeting at 11:34 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:39 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:53 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:11 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:31 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 3:37 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 3:37 p.m. to convene for a special meeting as the Redevelopment Agency. Council President Peters reconvened the regular meeting at 5:21 p.m. with all Council Members present. Council President Peters recessed the meeting at 5:25 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 5:28 p.m. with Council Member Atkins and Council Member Maienschein not present. Council President Peters recessed the meeting at 5:28 p.m. to convene the Housing Authority. Council President Pro Tem Madaffer reconvened the regular meeting at 6:03 p.m. with Council President Peters and Council Member Maienschein not present. The meeting was adjourned by Council President Pro Tem Madaffer at 6:16 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, May 20, 2008

Page 2

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/mz)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:40 a.m. – 9:41 a.m.)

PUBLIC COMMENT-2:

Nancelle Lauffer commented on the homeless, poor and the mentally ill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:41 a.m. - 9:44 a.m.)

PUBLIC COMMENT-3:

Ray Lutz commented on citizens' oversight.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:44 a.m. - 9:47 a.m.)

PUBLIC COMMENT-4:

Alberto Velasquez commented on the janitors negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:47 a.m. - 9:49 a.m.)

PUBLIC COMMENT-5:

Estella Pablo commented on living wages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:53 a.m. - 9:55 a.m.)

PUBLIC COMMENT-6:

Referred to Mayor's Office: Tim Houlton commented on the Golden Hill Maintenance Assessment District Appeal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:56 a.m. - 9:59 a.m.)

PUBLIC COMMENT-7:

Pansy Hilliard spoke on a request for the City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:00 a.m. - 10:00 a.m.)

PUBLIC COMMENT-8:

Ted Patrick commented on killing in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:00 a.m. - 10:03 a.m.)

PUBLIC COMMENT-9:

Homer Barrs commented on Mission Valley Village.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. - 10:06 a.m.)

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, May 20, 2008

Page 5

PUBLIC COMMENT-10:

Izean Rim Jr. commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. - 10:09 a.m.)

PUBLIC COMMENT-11:

Carlos Ramirez commented on an eviction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:14 a.m.)

PUBLIC COMMENT-12:

Thomas Glasser commented on continuing attacks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:19 a.m.)

PUBLIC COMMENT-13:

Joy Sunyata commented on the May revise.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:23 a.m.)

PUBLIC COMMENT-14:

Jarvis Ross commented on election day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

PUBLIC COMMENT-15:

David Ross commented on the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:28 a.m.)

PUBLIC COMMENT-16:

Barbara Winton commented on various concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:30 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

4/14/2008

4/15/2008

4/21/2008

4/22/2008

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Time duration: 9:01 a.m. – 9:02 a.m.)

MOTION BY ATKINS TO APPROVE. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-31: Anna Tatár Day.

**MAYOR SANDERS' AND COUNCIL PRESIDENT PRO TEM MADAFFER'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1021) ADOPTED AS RESOLUTION R-303700

Recognizing Ana Tatár for her dedication to promoting literacy and a love of reading, furtherance of diversity and civic engagement, and outstanding service to our community;

Proclaiming May 20, 2008, to be "Ana Tatár Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:02 a.m. – 9:12 a.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: National Public Works Association Week.

**COUNCIL PRESIDENT PETERS' AND COUNCIL PRESIDENT PRO TEM
MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1030) ADOPTED AS RESOLUTION R-303706

Proclaiming May 20 through May 27, 2008, to be "National Public Works Association Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:12 a.m. – 9:19 a.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-33: Foundation for Change Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-902) ADOPTED AS RESOLUTION R-303707

Commending Foundation for Change for its services to the San Diego community
over the past twenty-five years;

Proclaiming May 20, 2008, to be "Foundation for Change Day" in the City of San
Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:12 a.m. – 9:19 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Frye. Passed by the following vote:
Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

- * ITEM-50: Second Amendment to the Agreement with Martinez + Cutri Corporation for Professional Services for the Logan Heights Branch Library. (Southeastern San Diego Community Area. District 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance which was introduced on 3/11/2008, Item 60, Subitem A. (Council voted 6-0. Council President Peters and Council President Pro Tem Madaffer not present):

(O-2008-107) ADOPTED AS ORDINANCE O-19752 (New Series)

Authorizing the Mayor, or his designee, to execute, for and on behalf of said City, a Second Amendment to the Agreement with Martinez + Cutri Corporation for professional design services for the Logan Heights Branch Library (Project) in an additional amount not to exceed \$165,000, for a total contract amount of \$915,000, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, and under the terms and conditions set forth in the Second Amendment to the Agreement;

Authorizing the additional expenditure of \$165,000 from CIP-35-101.0, Logan Heights Branch Library, Fund No. 18522, Section 108 Logan Heights Library, for the Second Amendment to the Agreement with Martinez + Cutri Corporation for the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserve;

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval adequately covered under the Finding of No Significant Impact/Negative Declaration No. 42-0267 (Logan Heights Branch Library). The activity is adequately addressed in the environmental document and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-100: Inviting Bids for the Construction of Fault Crossing Retrofit to Large Pipeline & Landslide/Liquefaction Pipeline Mitigation Project. (University City, Rancho Peñasquitos, Old Town, Little Italy, Midtown, Downtown, Mira Mesa, Mission Valley, Grantville, and Barrio Logan Community Areas. Districts 1, 2, 5, 6, 7, and 8.)

(See Engineering and Capital Projects Department's 10/10/2007 Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-822) ADOPTED AS RESOLUTION R-303708

Approving the plans and specifications for the construction of Fault Crossing Retrofit to Large Pipeline & Landslide/Liquefaction Pipeline Mitigation (Project), on Work Orders No. 188931/188941;

Authorizing the Mayor, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3,818,091.84, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,818,091.84 from CIP-73-284.0, Miramar Treatment Plant Upgrade Expansion to CIP-73-910.0 Annual Allocation, Seismic Upgrade within Fund 41500, Water;

Authorizing the expenditure of an amount not to exceed \$3,818,091.84 from CIP-73-910.0, Annual Allocation, Seismic Upgrade, Fund 41500, Water, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, as repair and maintenance of existing facilities. (BID-K084280C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/2/2007, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Faulconer, and Frye voted yea. Councilmembers Maienschein and Hueso not present.)

SUPPORTING INFORMATION:

The Fault Crossing Retrofits to Large Pipelines and Landslide/Liquefaction Pipeline Mitigation Capital Improvements Project received a grant for \$3 million from the Federal Emergency Management Administration (FEMA). The effective dates of the FEMA funding are from February 1, 2006 through January 31, 2009. The Seismic Retrofit Project allows water service restoration from a large magnitude earthquake. Overall risks to the population is reduced or avoided and disaster-related damage costs reduced. Six mains cross liquefiable soils in Serra Mesa, Mission Valley East, and Grantville. Of the total 14 sites, four (4) were designed by RBF Consulting. The general requirement contract (GRC), Orion Construction Corporation completed construction of these sites in March 2008. Psomas designed all remaining sites. Three (3) Psomas designed sites will be constructed by October 2008, by the GRC contractor, Burtech Pipeline, Inc.

This request for Council action will approve the advertising, bidding, and award of construction for the remaining seven (7) pipelines of the Seismic Retrofit project. All 14 pipelines receive FEMA Grant funding.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: FEMA/City of San Diego

Goals: 40% Small Business Goal; 10% Small Disadvantaged Business Goal; 10% Women-Owned Business Goal; 3% HubZone Business Goal; 3% Disadvantaged Veteran Business Goal: All goals are mandatory.

Subcontractor: Not yet identified. However, the Contractor/subcontractor must also comply with applicable federal and state laws relating to Equal Opportunity Employment, as well as an additional requirements imposed by the federal agency or agencies providing funds for this project. Failure to comply with these items will lead to the bid being declared non-responsive and, therefore, may be rejected.

Local Business & Employment: Proposed contractors/subcontractors acknowledge that the City of San Diego seeks to promote employment and business opportunities for local residents and firms on all City contracts. Proposed contractors/subcontractors will to the extent legally possible, solicit applications for employment, and bids and proposals for subcontracts for the work associated with the bid from local residents and firms as opportunities occur. Proposed contractor/subcontractors agree to hire qualified local residents and firms whenever feasible.

Other: "This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-1873, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517). Once the contractor/subcontractors are identified, the Equal Opportunity Contracting Program will provide an analysis of the workforce reports and other required documentation. Staff will monitor projects for continued adherence to federal, state and local contracting requirements.

FISCAL CONSIDERATIONS:

The total estimated cost for Seismic Upgrades is \$5,816,351.80, of which \$1,998,260.10 was previously authorized. Funding for this project is available for transfer from Fund 41500, CIP-73-284.0, Miramar Treatment Plant Upgrade Expansion to CIP-73-910.0, Annual Allocation Seismic Upgrade, Fund 41500, due to project savings in the Miramar Treatment Plant Upgrade Expansion. The remaining total project cost of \$3,818,091.84 maybe reimbursed approximately 80% by current or future debt financing. FEMA is providing \$3 million in grant funding. Auditor's Certificate will be provided prior to contract award. No future funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

On May 3, 2005, Council executed Resolution Number R-300373 for a federal grant supporting the Seismic Retrofit of Water Transmission Pipelines. On January 24, 2007, the Natural Resources and Culture Committee approved Psomas as designer of the 10 sites which was approved by the City Council on March 20, 2007, Resolution Number R-302424. On November 2, 2007, the Natural Resources and Culture Committee approved the plans, specifications and execution of construction contract to the lowest and reliable bidder. On April 14, 2008, the Independent Rate Oversight Committee approved the financing by a vote of 8-1.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community outreach occurred in the project's design phase. Outreach will continue as citizens or businesses are impacted by construction. Impacted are the Admiral Baker Golf Course, City of San Diego Park and Recreation Department, Metropolitan Transit System, Mission Valley Shopping Mall. Notification will be sent prior to construction; door hangers and fact sheets will be distributed. The project is advertised in San Diego area newspapers. Information is available on the City of San Diego website and the CIP hot line.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders are the City of San Diego Water and Engineering and Capital Projects Departments, Psomas, United States Environmental Protection Agency, California Department of Public Health, and water rate payers.

Boekamp/Jarrell

Aud. Cert. 2800739.

FILE LOCATION: W.O. 188931/188941

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:41 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-101: Two actions related to Awarding Contract Agreement for Design Build 555 Water Project – Water Groups 903CI, 904CI and 905CI to Ortiz Corporation. (Clairemont Mesa, Encanto, and Southeastern San Diego Community Areas. Districts 4, 6, and 8.)

(See Engineering and Capital Project Department's 4/16/2008, Executive Summary Sheet.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-997 Cor. Copy) ADOPTED AS RESOLUTION R-303709

Authorizing the Mayor, or his designee, to award a contract to Ortiz Corporation for the design and construction of the Project in an amount not to exceed \$7,449,817.76, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure estimated in an amount not to exceed \$10,242,239.34 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, of which \$4,135,852.14 is for Water Group 903CI, \$3,611,749.01 is for Water Group 904CI, and \$2,494,638.19 is for Water Group 905CI solely for the design, construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure, under the established contracting phases are, or will be, on deposit with the City Treasurer, as follows:

Phase I, \$2,760,506.58 in FY 08, Water Funds for execution of Design Build 555 Water Project, as follows:

- Water Group 903CI: \$984,352.80
- Water Group 904CI: \$986,981.13
- Water Group 905CI: \$789,172.65

Authorizing the use of City Forces in Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacement for the design and construction of the Project within Water Group 903CI in an amount not to exceed \$130,000, Water Group 904CI in an amount not to exceed \$105,000, and Water Group 905CI in an amount not to exceed \$85,000, for the total amount not to exceed \$320,000;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Subitem-B: (R-2008-998) ADOPTED AS RESOLUTION R-303710

Declaring that the Addendum to a Mitigated Negative Declaration, Project No. 132158, dated September 24, 2007 (Addendum) for Design Build Water Project - Water Groups 903CI, 904CI and 905CI (the Project), on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Sections 15000 et seq.);

Declaring that the Addendum reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project 132158 Addendum, a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is approved;

Adopting the Addendum to a Mitigated Negative Declaration, No. 132158;

Declaring that pursuant to California Public Resources Code Section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

Design Build 555 Water Project is part of the City of San Diego's continuing Annual Capital Improvements Water Main Replacement Program. Water Groups 903CI, 904CI and 905CI are being combined into one project as Design-Build 555 Water Project. The Design-Build firm will prepare the final design plans showing the water mains to be replaced in place and the new alignment to provide adequate clearance from existing sewer mains pursuant to the City's standards. The Design-Build project delivery method proposed for this project will utilize a qualified team of both designer and constructor, working together in partnership, to ensure this project is delivered in a manner that meets all the City's requirements. This method was utilized to assist the City in meeting California Department of Public Health mandates for Fiscal Year 2008.

Request for Qualifications (RFQ) for the project was advertised in San Diego Daily Transcript on October 24, 2007. The City's Design- Build Nominating Committee reviewed eight Statement of Qualification (SOQ) packages and short - listed four Design-Build firms based on the SOQ evaluation criteria. In response to City's Request for Proposal (RFP), all four short listed firms submitted both technical and price proposals for the project. The selection panel reviewed the technical proposals and interviewed the firms on January 22 and 23, 2008. The price proposals were then opened on January 31, 2008. The final selection, using the weighted criteria included in the RFP (RFP Evaluation Criteria), was completed, and Ortiz Corporation was selected as the apparent successful design-build firm for the project.

The project is located in the Communities of Clairemont Mesa, Encanto, and Southeastern San Diego. Water Group 903CI includes the replacement of 9,877 linear feet of existing 8-inch, 12-inch, and 16-inch old and deteriorated Cast Iron (CI) water mains originally installed in 1950. Water Group 904CI includes the replacement of 8,505 linear feet of existing 8-inch and 12-inch old and deteriorated CI water mains originally installed in 1950. Water Group 905CI includes the replacement of 5,424 linear feet of existing 8-inch and 12-inch old and deteriorated CI water mains originally installed in 1951. The project also includes installing curb ramps and street slurry seal. The streets affected by construction operations are: Clairemont Drive, Deerpark Drive, Burgener Boulevard, Grandview Street, Huxley Street, Cowly Way, August Street, Manzanara Street, La Paz Drive, Martine Avenue, National Avenue, South 30th Street, and South 31st Street as shown on the location maps.

Ortiz Corporation will prepare traffic control plans for all streets and will implement them during construction, after review and approval by the City.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.

Goals: All City Design-Build projects, valued at \$25,000 or more, have a voluntary Subcontractors/Subconsultant participation goal of 15% (MBE, DBE, DVBE or Other), which was included in the RFQ. Ortiz Corporation's Subcontractors/Subconsultant participation level exceeds this 15% goal as shown on their Subcontractors/Subconsultants list: Allied Geotechnical Engineers Inc./Asian Pacific Male, Statewide Stripes Inc./Hispanic Male - DBE (3%); G. Scott Asphalt Inc., Katz & Associate - DVBE (7%); Tierra Environmental Services - MBE (1%); Koch & Armstrong, Southwest Signal, NRC Environmental Services, RBF Consulting - Other (14.5%).

Other: A Work Force Report was also submitted. Ortiz Corporation has fewer than 15 administrative employees as shown in the Work Force Analysis Report and, therefore, these are exempt from the employment category goals. However, Ortiz Corporation has 26 construction work force employees and, the Construction Trade Analysis Report shows no discrepancies and no under representation. Although not required, Ortiz Corporation also submitted an Equal Employment Opportunity (EEO) Policy Statement and Plan for implementing this policy. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$10,281,732.76. Funding of \$39,493.42 was previously authorized by Mayor Action (PA-700). Funding for Phase I - FY08 is available from enterprise fund in CIP-73-083.0, Annual Allocation - Water Main Replacement, Fund 41500, Water, for this purpose. The project cost may be reimbursed approximately 80% by current or future debt financing. This project will be phased funded FY08 - FY10. The Auditor's Certificate will be provided prior to the award of Phase I - FY 08. No future funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

The Committee on Natural Resources and Culture on April 23, 2008, consent motion by Council President Peters, second by Councilmember Atkins. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Design-Build firm will employ a subconsultant, Katz & Associates, to conduct community outreach during design and construction as part of the contract scope of work. During the design phase, Design-Build 555 Water Project - Water Groups 903CI, 904CI and 905CI will be presented to the Communities of Clairemont Mesa, Encanto, and Southeastern San Diego. Residents and businesses will also be notified at least one (1) month before construction begins, and again ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Residents in the area will encounter minor inconveniences during construction. A community outreach program will be implemented during design and construction. After completion, residents will experience improved reliability of the water distribution system. No new fees or regulations are proposed.

Boekamp/Jarrell

Aud. Cert. 2800741.

FILE LOCATION: CONT – ORTIZ CORP.

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-102: As-Needed Agreement with Tran Consulting Engineers for Professional Civil Design Services. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-996) ADOPTED AS RESOLUTION R-303711

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Five-Year Agreement with Tran Consulting Engineers to provide for as-needed professional design engineering services for the City of San Diego, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount of at least \$25,000 and less than or equal to \$2,000,000 (dependent on the work requested of Tran Consulting Engineers via Task Order) for the above agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates for each Task Order demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Declaring that the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The City desires to retain the services of a professional civil engineering firm to provide the professional civil engineering design services on an as-needed, hourly fee basis. The total contract cost shall not exceed \$2,000,000 for a period of five years from the date of execution by the City, whichever comes first.

Eighteen firms responded to the City's advertisement. On September 7, 2007, the Consultant Interview Panel nominated seven firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on November 8, 2007 and November 9, 2007, and the firm of Tran Consulting Engineers was selected as the most qualified firm to provide the five years of as- needed professional engineering consulting services. The City will utilize the expertise of Tran Consulting Engineers to deliver projects that include professional engineering services in a timely and efficient manner.

Tran Consulting Engineers has the expertise, experience and personnel necessary to provide the professional services. These services will include: Preparing reports, studies, and construction documents, performing civil and geotechnical engineering, and may require other associated services including, but not limited to, structural engineering, surveying, and pipe cleaning and televising. The sub-consultants for this consultant services agreement are Ninyo & Moore (geotechnical engineering), Aguirre & Associates (surveying and data management), and Interline Engineering (sewer closed circuit televised inspection and cleaning).

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)

Sub-consultant Participation: Due to the nature of this as-needed contract, the sub-consultant participation will be reviewed based upon issuance of individual tasks. Tran has identified that the following firms are likely to be used on tasks: Ninyo & Moore, Aguirre & Associates, Interline Engineering. Additionally, Tran Consulting Engineers is certified as a small business with the State of California's Office of Small Business and DVBE Services.

Other: Prior to award, a work force report and, if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. Information will be collected based upon each task that is issued.

FISCAL CONSIDERATIONS:

The City will pay Tran Consulting Engineers for performance of all professional services rendered in accordance with this agreement, in an amount not to exceed \$2,000,000. The City agrees to issue at least one task order with the minimum aggregate value of \$25,000, to Tran Consulting Engineers. Funding for the minimum guaranteed amount of \$25,000 will come from CIP-37-064.1, Bird Rock Elementary ADA Upgrades, Fund 302453, Capital Outlay, for this purpose. Future tasks will be funded from various City Departments' budgets.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City staff will work with the community (if applicable) when these professional engineering services are rendered.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Upon approval of the agreement, Tran Consulting Engineers could receive up to \$2,000,000.

Boekamp/Jarrell

Aud. Cert. 2800745.

Staff: James Nagelvoort - (619) 533-3616
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-103: Landscape Maintenance Agreement Between the City of San Diego and the State of California. (Otay Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1016) ADOPTED AS RESOLUTION R-303712

Approving the Landscape Maintenance Agreement;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Landscape Maintenance Agreement with the California State Department of Transportation;

Authorizing the City Auditor and Comptroller to expend \$79,578 from Fund 70244, Otay International Maintenance Assessment District for the purpose of operation, repair and maintenance costs related to existing landscaping on relocated or reconstructed City streets and SR905 located within the Otay International Maintenance Assessment District as set forth in the Landscape Maintenance Agreement.

STAFF SUPPORTING INFORMATION:

The City entered into an Agreement R-300903 with the State of California (State) on October 10, 2005 in which the City agreed and consented to certain adjustments to the local street and road system required for the development of a portion (11-SD-905, PM 11.50) of State Highway Route 905 (SR905) within the jurisdictional limits of the City.

That portion of freeway has now been completed or is nearing completion, and the City and State of California mutually desire to clarify the divisions of maintenance responsibility for local City streets and roads and landscaped areas lying within and adjacent to the final freeway limits.

The City will accept title to the portions of the relocated or reconstructed City streets lying outside the freeway limits upon relinquishment by the State. Upon receipt of written notice to the City from the State that freeway construction work has been completed, the City will resume control and maintenance over each of the relocated or reconstructed City streets except for those portions adopted as part of the new freeway structure.

FISCAL CONSIDERATIONS:

Funds for this action are available in Fund 70244 (Otay International Center Maintenance Assessment District) in the amount of \$79,578 which is a portion of the District's total annual landscape maintenance budget of \$153,017 in Fiscal Year 2008. The District is entitled to a contribution of \$15,328 from the Gas Tax Fund. These funds are included in the Proposed Fiscal Year 2008 budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff is in contact with the Otay International Center Advisory Committee to provide updates on the status of this project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The key stakeholders in this area are the State of California, City of San Diego, and Otay International Center Maintenance Assessment District. The key stakeholders support this action.

LoMedico/Heap

Staff: Clay Bingham - (619) 533-6724
Kimberly K. Harris - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Coastal Rail Trail Project CIP-58-162.0: (Torrey Pines and University Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-899) ADOPTED AS RESOLUTION R-303713

Authorizing the Mayor, or his designee, to execute and accept, for and on behalf of the City, an amendment to the Local Agency-State Agreement for Federal Aid Project, No. CML-5004(131) in connection with the Coastal Rail Trail Project, under the terms and conditions set forth in Program Supplement No. 171-M1;

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to increase the Fiscal Year 2008 Capital Improvement Program budget by increasing CIP-58-162.0, Coastal Rail Trail Project, by the amount of \$787,100;

Authorizing the City Auditor and Comptroller to accept funds for the above project in the amount of \$696,820 from the Congestion, Mitigation & Air Quality Program and deposit same into Fund No. 38693, CMAQ Funds; and \$90,280 from the TransNet Bicycle Program, and deposit same into Fund No. 30301, TransNet Bicycle Program;

Authorizing the City Auditor and Comptroller to transfer the amount of \$686,820 from Fund No. 38693, CMAQ Funds, to CIP-58-162.0, Coastal Rail Trail Project; and \$90,280 from Fund No. 30301, TransNet Bicycle Program; both to CIP-58-162.0, Coastal Rail Trail Project;

Authorizing the expenditure of an amount not to exceed \$787,100 from CIP-58-162.0, Coastal Rail Trail Project, solely and exclusively, to provide funds for preliminary engineering under the above Program Supplement, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department;

Declaring that the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The Coastal Rail Trail Project, CIP-58-162.0, provides for a bicycle facility between the San Diego - Del Mar City limit and Downtown San Diego. This Project is a part of a larger multi-jurisdictional project, which proposes a bikeway along the coast in the cities of Oceanside, Encinitas, Solana Beach, Carlsbad, Del Mar, and San Diego based on the project study report dated October 2000 by Chapin Land Management, Inc. and Transtech Engineering, Inc. It is intended to provide regional connectivity for both commuting bicyclists and recreational activities.

The City of San Diego received from Caltrans and SANDAG a total of \$712,900 in Congestion Mitigation Air Quality (CMAQ) and Proposition A Bike Ways funds to start the preliminary engineering design work for the northerly ten (10) miles (from the Gilman Drive/I-5 Intersection to the Sorrento Valley Road/Carmel Valley Road intersection) of the City of San Diego's portion of the Coastal Rail Trail. The City of San Diego entered into a phase funded engineering design contract with URS Corporation totaling \$1,170,503.76 (Phase I for \$589,977.59, Phase II for \$580,526.17). Only Phase I of the engineering design has been awarded to date.

Staff has been working with SANDAG and Caltrans to secure additional funding required for the engineering design. Caltrans and SANDAG have authorized additional funds towards the preliminary engineering design work for the project in the amount of \$787,100. This action will authorize the Mayor, or his representative, to execute and accept for and on behalf of the City of San Diego, the Program Supplement for the additional funds that is required for The City of San Diego to continue the engineering design work.

FISCAL CONSIDERATIONS:

The total additional funding is \$787,100 comprised of \$696,820 in Congestion Mitigation & Air Quality (CMAQ) funds and \$90,280 in TransNet Bicycle Program funds.

PREVIOUS COUNCIL/COMMITTEE ACTION:

- Council Resolution # R-295633, dated October 29, 2001, accepted \$631,130 in CMAQ funding and \$81,770 in TransNet Bikeway funds; and
- Council Resolution # R-299459, dated July 19, 2004, authorized the phase funded Agreement with URS Corporation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Public outreach will be conducted during the engineering design process.

KEY STAKEHOLDERS:

- Caltrans
- SANDAG

Boekamp/Jarrell

Staff: Marnell Gibson - (619) 533-5213
Ryan Kohut - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: . Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-105: Rosa Parks Elementary School-Safe Routes to School Project. (Mid-City/City Heights Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1000) ADOPTED AS RESOLUTION R-303714

Amending the Fiscal Year 2008 Capital Improvements Program Budget for CIP-62-265.0, Rosa Parks Elementary School-Safe Routes to School Project, by increasing the budget amount by \$62,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$62,000 from CIP-68-017.0, School Traffic Safety Improvements, Fund 30300, Transnet to CIP-62-265.0, Rosa Parks Elementary School-Safe Routes to School Project (Project);

Authorizing the appropriation and expenditure of an amount not to exceed \$62,000 from CIP-62-265.0, Rosa Parks Elementary School-Safe Routes to School Project, Fund 30300, Transnet, for the purpose of providing funds, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is covered under Project No. 86332, Rosa Parks Elementary School Safe Routes to School (CEQA Exemption Section 15301(c), dated 11/10/2005 and 15303, dated 7/26/2004, Resolution R-299748). The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The purpose of the Rosa Parks Elementary School-Safe Routes to School Project is to improve pedestrian safety in the vicinity of the school. The project area includes portions of Euclid Avenue, Chamoune Avenue, Wightman Street, Landis Street and Dwight Street, in the City Heights community of the Mid-City Community Planning Area. This project includes the installation of school crossing signs, curb pop-out, curb ramps, colored asphalt-filled raised medians, street lights, colored asphalt loading zone, enhancement of crosswalks, reconfiguration of school driveway, community outreach, community workshop, student and parent assemblies, and distribution of educational materials to students and parents at Rosa Parks Elementary School.

This Council action would authorize additional funding in the amount of \$62,000 for project administration-related costs for the Rosa Parks Elementary School-Safe Routes to School project. This additional funding is required to cover the costs of furnishing and installing four new street lights which were added to the project as an additive alternate, and to cover increased staff costs. The increased staff costs were incurred as part of extensive outreach and education efforts during the course of construction, as required by the Rosa Parks Elementary School Safe Routes To School Grant.

FISCAL CONSIDERATIONS:

With the action, the total project cost is increased to \$557,000. Of this amount, \$430,200 was a grant from the State of California Safe Routes to School (SR2S) Program. \$64,800 was previously appropriated from Fund 30300, Transnet to CIP-62-265.0, Rosa Parks Elementary School-Safe Route To School. The remaining funds of \$62,000 are available in CIP-68-017.0, School Traffic Safety Improvements, Fund No. 30300, Transnet.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council Resolution R-299748 dated October 11, 2004 authorized the acceptance and appropriation of State funds from the State of California Safe Routes to School (SR2S) Program, California Department of Transportation Funding Authorization, in the amount of \$430,200, and authorized the transfer of funds in the amount of \$64,800 from Transnet Fund No. 30300, CIP-68-017.0 - School Traffic Safety Improvements, to the Rosa Parks Elementary School-Safe Routes to School Project, Transnet Fund No. 30300, CIP-62-265.0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 5, 2003, the City Heights Area Planning Committee unanimously approved a motion supporting the City of San Diego Planning Department's submittal of a Safe Routes to School Grant to the State of California for the Rosa Parks Elementary School-Safe Routes to School Project.

Input was received from the following stakeholders through on-site meetings, a community work shop, a walkability audit and a "Walk To School Day" event:

- Rosa Parks Elementary School Staff
- San Diego Unified School District Police
- Parents/guardians of students attending Rosa Parks Elementary School
- Students attending Rosa Parks Elementary School
- Parent Safety Patrol Group
- Vietnamese Parents Association
- Black Parents Association
- San Diego Police Department - Juvenile Services Division
- City Heights Area Planning Committee (CHAPC)

Post-construction activities included a series of public assemblies for students and parents, where educational materials were distributed to promote pedestrian and traffic safety.

All communication with stakeholders was presented and distributed in bilingual format when requested.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

School: Rosa Park Elementary School Students, Parents, and Staff, San Diego Unified School District Police, Parent Safety Patrol Group, Vietnamese Parents Association, and Black Parents Association

Community: CHAPC and community members

Other: San Diego Police Department - Juvenile Services Division

EQUAL OPPORTUNITY CONTRACTING (EOC):

This action item does not have EOC requirements as it is only associated with in-house engineering services.

Boekamp/Jarrell

Aud. Cert. 2800749.

Staff: Nazie Mansury - (619) 533-4618
Ryan Kohut - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-106: Donations to the San Diego Fire-Rescue Department.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1033) ADOPTED AS RESOLUTION R-303715

Authorizing the Mayor, or his designee, to accept, expend, and appropriate the amount not to exceed \$247,740.02 in donations into Fund No. 10365-Public/Private Partnership to be used by the San Diego Fire-Rescue Department to help fund public safety resources.

STAFF SUPPORTING INFORMATION:

Wildfires know no boundaries. Every citizen in San Diego and the surrounding rural areas were impacted in some way by the firestorms of 2007. When the firestorms occur in San Diego, there will always be multiple fires burning throughout the southern California region, if not the entire state, stretching the state's well developed mutual aid system to the limit.

The San Diego region needs to begin today to prepare for the next catastrophic wildfire event. Collectively we need to do everything we can to reduce the potential threat, better prepare our homes to be as fire safe as possible and then secure sufficient ground and aerial resources to respond strategically and effectively to combat large wildfires in the absence of mutual aid assistance.

Following the devastating wildfires in 2007, 165 individuals and companies made donations to the San Diego Fire-Rescue Department to help fund public safety resources. To date, \$247,740.02 has been donated. Thanks to their commitment to the community, San Diego will be better prepared for emergencies in the future.

FISCAL CONSIDERATIONS:

The total value of donations to the San Diego Fire-Rescue Department is \$247,740.02.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: All.

Jarman/Olen

Staff: Jenny Wolff - (619) 236-7002
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:32 a.m. – 9:33 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-107: Acquisition of Lot 22 in Block 33 of Lexington Park, An Unimproved Vacant Residential Lot, for Azalea Park Expansion. (City Heights Community Area. District 3.)

(See memorandum from Councilmember Atkins dated 2/11/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-788) ADOPTED AS RESOLUTION R-303716

Authorizing the Mayor, or his designee, to accept a Grant Deed, affecting all of Lot 22 in Block 33 of Lexington Park in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 1696, filed in the Office of the County Recorder June 15, 1917;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount up to Three Hundred Seventy-Five Thousand (\$375,000) of 2000 Resources Bond Roberti-Z'berg-Harris Per Capita Fund, for property acquisition adjacent to Azalea Community Park, contingent upon receipt of a fully executed grant deed.

STAFF SUPPORTING INFORMATION:

The Mid City community of City Heights is currently 134.87 acres deficient in useable population-based park acreage per General Plan recommendations. The City Park and Recreation Department desires to acquire this approximately 0.34 useable acres of land and develop it as an extension to the existing 6.67 acre Azalea Neighborhood Park. The parcel is contiguous to the existing Azalea Neighborhood Park and will add valuable park acreage to this urban community. Park improvements to this parcel may include, but are not limited to the following: multi-purpose turfed areas, walkways, security lighting, picnic areas, benches, landscaping, irrigation and ADA/Title 24 accessible parking. Subsequent to escrow closing, Engineering and Capital Projects will initiate the public input process consistent with Council Policy 600-33: Community Notification and Input for City-Wide Park Development Projects, to determine appropriate community-supported uses for the parcel.

In July 2001, legislative action authorized the California Department of Parks and Recreation to release the Roberti-Z'berg-Harris (RZH) Per Capita portions of the 2000 Park Bond. San Diego's allocation is under contract with the State, and based on Mayoral and City Council approval, the funds were divided among the eight council districts to complete park capital improvement projects and land acquisitions throughout the City. This action authorizes the acquisition of land adjacent to Azalea Community Park to be funded with 2000 Park Bond RZH Per Capita dollars allocated to Council District 3.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The community has been involved in the briefings of the project's progress for the past two years.

KEY STAKEHOLDS & PROJECTED IMPACTS (if applicable):

Community of Azalea Park

Barwick/Anderson

Staff: Lane MacKenzie - (619) 236-6050
Todd Bradley - Deputy City Attorney

FILE LOCATION: F-10252

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-108: Ridge Manor 20SD Conversion -- Easement Grant to San Diego Gas & Electric.
(Navajo Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1003) ADOPTED AS RESOLUTION R-303717

Authorizing the Mayor, or his designee, to execute, for and on behalf of The City of San Diego, an easement deed conveying to San Diego Gas & Electric Company, a corporation, an easement for the purpose of constructing, repairing, maintaining and using underground facilities and appurtenances for the transmission of electricity, affecting a portion of Lot 396 San Carlos Estates Unit No. 10, according to Map thereof No. 5052, filed in the Office of the County Recorder of said County of San Diego, as more particularly described in said easement deed.

STAFF SUPPORTING INFORMATION:

As part of the City's utility undergrounding program, (Council Policy 600-08), existing aboveground utility facilities will be relocated underground. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for a pad-mounted switch, transformer, and fuse cabinet which is necessary for the conversion. The easement will provide the necessary rights for SDG&E to relocate as requested by the City's undergrounding program. The total area of the easement is approximately 770 square feet. The easement has been valued by City valuation staff to be worth \$1,800. Since this project is a California Public Utilities Code 20A conversion, the cost of which is paid by the City, no compensation is requested for this easement.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This area has been declared by Council Resolution as part of an Underground Utility District.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Conversion of overhead facilities to underground facilities benefits the public health, safety or general welfare.

Sandoval/Anderson

Staff: Lane MacKenzie - (619) 236-6050
Todd Bradley - Deputy City Attorney

FILE LOCATION: F-10253

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: Biennial Review: City Clerk Conflict of Interest Codes.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1019) ADOPTED AS RESOLUTION R-303718

Directing all local agencies for which the City Council serves as code-reviewing body and for which Conflict of Interest Codes have previously been adopted, to review all existing Codes and determine whether their Codes should be amended;

Directing each City department, agency, board and commission subject to a Code, to review its Code and provide to the City Clerk by August 22, 2008, either a written statement that no amendment is required, or an amended Code for the Council's approval.

SUPPORTING INFORMATION:

Government Code Section 87306.5 states that, no later than July 1 of each even-numbered year, "code reviewing bodies" are required to direct each local agency, under their jurisdiction, which has previously adopted a conflict of interest code (Code) to review that agency's Code. Under this law, the term "local agencies" includes not only City departments, but also City-owned corporations, certain City boards and commissions, and certain other local agencies (for example, the Housing Commission), for whom the City Council serves as code reviewing body.

Government Code Section 87306.5 also requires local agencies to submit a biennial report identifying changes in their Code, or a statement that their Code is not in need of an amendment. The biennial reports are submitted to the applicable code reviewing body.

Following receipt of either the biennial report identifying Code changes, or a statement that no amendment is needed from each local agency, the Clerk will prepare a report summarizing the submittals. Revised conflict of interest codes will then be submitted to the City Council for approval.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): N/A

Maland

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-110: Rabbi Laurie Coskey Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-1001) ADOPTED AS RESOLUTION R-303719

Congratulating Rabbi Laurie Coskey for receiving the 2008 CHARO and San Diego Human Relations Commission Awards and thanking her for all of her work to improve the lives of many San Diegans;

Proclaiming May 14, 2008, to be "Rabbi Laurie Coskey Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-111: San Diego Lawn Bowling Club Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-979) ADOPTED AS RESOLUTION R-303720

Congratulating the San Diego Lawn Bowling Club on its 75th anniversary;

Proclaiming May 10, 2008, to be "San Diego Lawn Bowling Club Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-112: Communities of Council District Three Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-978) ADOPTED AS RESOLUTION R-303721

Recognizing the communities of the City of San Diego's Council District Three;

Proclaiming April 24, 2008, to be "Communities of Council District Three Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-113: Catherine Stephenson Day.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-992) ADOPTED AS RESOLUTION R-303722

Proclaiming May 5, 2008, to be "Catherine Stephenson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-114: Excusing Council President Pro Tem Jim Madaffer from Attending the City Council Meeting on Monday, May 5, 2008.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1017) ADOPTED AS RESOLUTION R-303723

Excusing Council President Pro Tem Jim Madaffer from attending the regularly scheduled City Council Meeting of May 5, 2008, because he was out of town on official business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-115: Excusing Council President Pro Tem Jim Madaffer from Attending the Special City Council Budget Hearing on April 30, May 1, and May 2, 2008.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-994) ADOPTED AS RESOLUTION R-303724

Excusing Council President Pro Tem Jim Madaffer from attending the Special City Council Budget Hearings held on April 30, May 1, and May 2, 2008.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:20 a.m. – 9:26 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-330: Response to the Report from the Independent Oversight Monitor.

(See memorandum from the Independent Budget Analyst dated 5/5/2008.)

(Continued from the meeting of May 6, 2008, Item 330, at the request of Councilmember Frye, for further review.)

MAYOR SANDERS' RECOMMENDATION:

Take the following actions:

(R-2008-1118 Rev.) ADOPTED AS RESOLUTION R-303728

Authorizing the Council President to co-sign the response prior to its submittal to the Securities and Exchange Commission;

Directing the City Attorney to prepare the appropriate resolutions and/or ordinances in accordance with Charter Section 40.

SUPPORTING INFORMATION:

The 2006 Report of the Audit Committee of the City of San Diego (the "Kroll Report") and the Cease and Desist Order of the United States Securities and Exchange Commission issued in November 2007 established an Independent Monitor/Consultant to oversee and report on the City of San Diego's implementation of remedial actions included in the Kroll Report's recommendations and as required by the SEC. Mr. Stanley Keller with the firm Edwards Angell Palmer & Dodge LLP was contracted to serve as this Independent Monitor in January 2007.

Mr. Keller issued the First Annual Report of the Independent Consultant to the City of San Diego, dated March 25, 2008.

The Mayor's office, with input from the Office of the Independent Budget Analyst and the Disclosure Practices Working Group, has prepared a response to Mr. Keller's report. This response is being provided for review by the City Council with a request for the Council President to be authorized to co-sign the response prior to its submittal to the United States Securities and Exchange Commission.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Jay Goldstone

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:28 p.m.)

MOTION BY FAULCONER TO ADOPT WITH CHANGES AS RECOMMENDED BY COUNCIL MEMBER ATKINS. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-331: Sunroad Centrum Park Development Agreement with Sunroad Centrum Partners, L.P to Provide Park for Residents of the City. (Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1024) ADOPTED AS RESOLUTION R-303725

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, the Sunroad Centrum Park Development Agreement with the Sunroad Centrum Partners, L.P. for the purpose of providing a park to the residents in the area and the people of the City of San Diego under the terms and conditions set forth in the Agreement.

STAFF SUPPORTING INFORMATION:

Sunroad Centrum, L.P. and the City entered into a Second Amendment to the Development Agreement on November 25, 2002. The Second Amendment relates to the approval of 570 additional residential units within the New Century Center Master Plan Area, approved by City Council on November 12, 2002. In the Second Amendment, both parties agreed that prior to building permit issuance for the 999th residential unit within the project, Sunroad would meet, or assure through agreement and letter of credit acceptable to the City, the mitigation for population based park and recreation needs.

Sunroad is entering into this park development agreement on the condition that the City accepts the following mitigation for park and recreation needs: 1) Sunroad shall provide a total of 3.42 acres of land for park and recreation needs; within this acreage, Sunroad shall provide a minimum of 2.0 contiguous, useable acres of land within their development in a configuration to support active recreational programming, and the remaining 1.42 acres of land will be developed as a contiguous, useable area for active recreation acceptable to the City; 2) Sunroad shall provide the funding for the design and construction of the required public recreational facilities on the provided acreage; and 3) Sunroad shall provide their pro rata share of the cost of constructing a 15,000 square foot recreation building and swimming pool. This park development agreement requires Sunroad Centrum Partners, L.P. to provide the design and construction of the 2.0-acre park for the amount of \$1,600,000, and then deed the park property to the City at no cost to the City.

FISCAL CONSIDERATIONS:

The total project cost for park design and construction is estimated to be \$1,600,000 which will be paid by Sunroad Centrum Partners, L.P.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. RR-289452, New Center Master Plan, November 18, 1997
Ordinance No. OO-18448, Original Agreement, December 2, 1997
Ordinance No. OO-18867, First Amendment to Agreement, October 16, 2000
Resolution No. RR-297295, Second Master Plan Amendment, November, 12, 2002
Ordinance No. OO-19123, Second Amendment to Agreement, November 25, 2002

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None to date. However, the Park Design process will be consistent with Council Policy 600-33, (Community Notification and Input for City-Wide Park Development Projects).

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Stakeholders: Residents of the Sunroad Centrum Development and users within 1/2 mile of this proposed neighborhood park.

EQUAL OPPORTUNITY CONTRACTING COMMITMENT:

This development agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Section 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

To support its Equal Opportunity Contracting commitment, the City has established voluntary participation levels. The goals for this contract are 20% Voluntary Subcontractor Participation Goal, 15% Voluntary Subconsultant Participation goal. Goals are achieved by contracting with any combination of Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantaged Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE), or Other Business Enterprise (OBE) level. Attainment of the participation level goal is strongly encouraged but strictly voluntary.

Prior to award, a workforce report or an Equal Opportunity (EEO) Plan will be submitted to the Program Manager of the City of San Diego Equal Opportunity Contracting Program (EOCP) for approval. Staff will monitor the plan and adherence to the Nondiscrimination Ordinance.

Anderson

Staff: Deborah Sharpe - (619) 525-8261
John H. Serrano - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:50 a.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-332: Affordable Housing Fund FY 2009 Annual Plan. (Citywide.)

(See San Diego Housing Commission Report No. CCR-08-02.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1011) ADOPTED AS RESOLUTION R-303729

Approving the San Diego Housing Commission's Affordable Housing Fund
Fiscal Year 2009 Annual Plan.

SUPPORTING INFORMATION:

In June 2003, the San Diego City Council revised Municipal Code Chapter 9, Article 8, Division 5 to create an Affordable Housing Fund. The AHF is a permanent and annually renewable source of revenue to address the housing needs of the City's very low, low, and median-income households. The AHF includes revenues from both the Inclusionary Housing Fund (IHF) and the San Diego Housing Trust Fund (HTF). Section 98.0507 of the Municipal Code requires an AHF Annual Plan to be prepared each year that describes the programs to be funded, the intended beneficiaries of the programs, and the anticipated revenues and allocation of those revenues, including the amount of funds budgeted for administrative expenses, exclusive of legal fees.

Proposed Changes to Homebuyer Programs

Some of the Housing Commission's First Time Homebuyer programs are available to households which earn 100% of Area Median Income (AMI). On March 14, 2008, the Housing Commission recommended a proposed amendment to the San Diego Housing Trust Fund Ordinance that would increase the income limit of these programs to 120% AMI. The proposed amendment will be presented to the Land Use & Housing Committee and, if accepted, to the City Council. Should the amendment be made to the HTF Ordinance, the First Time Homebuyer programs that are currently limited to households earning 100% of AMI would be available to moderate-income households earning 120% of AMI.

In the Housing Commission's Business Plan, staff proposes to use HTF monies for foreclosure prevention grants. The one-time grants would be up to \$5,000 to households earning less than 80% AMI that demonstrate the grant will be sufficient to correct past-due mortgage payments.

FISCAL CONSIDERATIONS:

The AHF Annual Plan FY09 budget is \$12,984,862, which is comprised of HTF and IHF estimated revenues and is incorporated into the Housing Commission's proposed FY09 Budget.

The Housing Commission or City Council can redirect the proposed distribution of funds among housing activities or modify specific model programs. However, any redistribution of funds subject to the Affordable Housing Fund Ordinance requirements and limitations regarding the percentage of funds that can be allocated to benefit recipients with very low, low, and median incomes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council has adopted a funding plan each year in accordance with the Municipal Code.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Housing Commission staff attended community group meetings in Otay Mesa, Uptown, University City and the Community Planners Committee during March and April, and a public meeting was held at the Housing Commission to solicit suggestions on the programs to be funded by the AHF. Any comments and suggestions received will be considered in the preparation of the AHF Annual Plan. A summary of public comments is included as Attachment 2.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The beneficiaries of AHF programs are very low, low, and median-income households in the City of San Diego. Residential developers and financial institutions may also be impacted by program changes. Should all anticipated FY09 revenues be collected and allocated as proposed, the estimated affordable housing production impact would be 1) 500 transitional housing beds and 175 permanent supportive housing units for very low-income, formerly homeless individuals and families; 2) 80 loans and grants to very low- to moderate-income home owners for rehabilitation and preservation of single family and mobile homes; 3) 45 low-income to moderate-income homebuyers assisted; 4) 100 rental units created for very low-income families; and 5) 20 units created to provide permanent or transitional housing extremely low-income persons with special needs.

Fisher/Vaughan

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:24 p.m. – 5:25 p.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-recused, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Re-Loan of City Funds to Redevelopment Agency for Appropriate Project Expenses in the Fiscal Year 2009 Redevelopment Agency Budget. (Southeastern San Diego Community Area. Districts 4 and 8.)

(See Redevelopment Agency Report No. RA-08-15/RTC-08-072.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1004 Rev. Copy) ADOPTED AS AMENDED AS
RESOLUTION R-303730

Accepting a Sales Tax (Fund 10227) loan repayment from the Redevelopment Agency in the amount of \$400,000 from the Southcrest Redevelopment Project Area to the City's Sales Tax Fund 10227;

Accepting a Capital Outlay Fund (Fund 302453) loan repayment from the Redevelopment Agency in the amount of \$815,000 from the Southcrest Redevelopment Project Area to the City's Capital Outlay Fund 302453;

Authorizing the transfer of \$400,000 from the City's Sales Tax Fund 10227 to the Redevelopment Agency for the Gateway Center West Project Area as an interest bearing Sales Tax loan to provide funds for appropriate project expenses in the Fiscal Year 2009 Redevelopment Agency Budget;

Authorizing the transfer of \$815,000 from the City's Capital Outlay Fund 302453 to the Redevelopment Agency for the Central Imperial Redevelopment Project Area as an interest bearing Capital Outlay Fund loan to provide funds for property acquisition expenses in the Fiscal Year 2009 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the aforementioned transfers from the City as interest bearing loans to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project areas;

Declaring that the activities set forth herein are not a "project" and are therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The proposed action calls for the adoption of the Administrative Budgets of SEDC and CCDC, and the Project Budgets for the Redevelopment Projects administered by SEDC, CCDC, and the City Redevelopment Division of the City Planning & Community Investment Department. The action also calls for loan repayments from the Southcrest Redevelopment Project Area to the City and subsequent reloans thereof to the Gateway Center West and Central Imperial Redevelopment Project Areas. Also included is the annual determination that the planning and administrative expenses included in the Agency's Low and Moderate Income Housing Funds are necessary and in proportion to the funding for production, improvement and preservation of affordable housing, as well as the approval of the Agency's Low and Moderate Income Housing Policy and Guidelines.

FISCAL CONSIDERATIONS:

The Fiscal Year 2009 consolidated Redevelopment Agency budget is \$320.3 million. The Agency anticipates \$360.0 million in carryover funds, for a total expenditure plan of \$680.3 million. Within the FY 2009 budget, \$167.3 million is allocated to capital projects, \$40.9 million is allocated to low and moderate income housing projects, \$18.9 million to administration, \$29.4 million allocated to tax-sharing agreements/requirements, and \$63.8 million is to be appropriated for debt service and loan repayments, and reserve requirements.

PREVIOUS AGENCY, COUNCIL and/or COMMITTEE ACTION:

On March 19, 2008, the Centre City Advisory Committee ("CCAC") unanimously approved the proposed CCDC budget. On March 26, 2008, the CCDC Board voted to approve CCDC Fiscal Year 2009 Budget including recommendations from the Centre City Advisory Committee. On April 23, 2008, the CCDC Budget/Finance and Administration Committee approved a modification to the CCDC Program Budget reflecting a \$5 million repayment to the City and a \$1.5 million increase to the North Embarcadero Visionary Plan project. On April 23, 2008, the SEDC Board unanimously approved the SEDC Fiscal Year 2009 Budget.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses within and near the project areas of the Redevelopment Agency will benefit from the enhanced quality of life resulting from the investment of resources in projects, including public improvements, planned for implementation with the resources contained in the proposed budget.

Weinrick/Anderson

Staff: Scott Mercer - (619) 236-6242
Huston Carlyle - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 20, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:21 p.m. – 5:23 p.m.)

MOTION BY FAULCONER TO ADOPT AS AMENDED BY OMITTING THE \$815,000 LOAN REPAYMENT FROM THE REDEVELOPMENT AGENCY TO THE CITY'S CAPITAL OUTLAY FUND; AND OMITTING THE TRANSFER OF \$815,000 FROM THE CITY'S CAPITAL OUTLAY FUND TO THE REDEVELOPMENT AGENCY. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-recused.

ITEM-334: Two actions related to Sabre Springs Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2009. Adopt a Resolution of Designation for the FBA in Sabre Springs; and approve the setting of Development Impact Fees (DIF) consistent with the FBA in Sabre Springs for those developments which have never been assessed or otherwise agreed to pay an FBA. (Sabre Springs Community Area. District 5.)

(See Report to City Council No. 08-010. Sabre Springs Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2009, January 2008 DRAFT.)

(First Public Meeting was held on April 15, 2008, Item 335.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-838) ADOPTED AS RESOLUTION R-303726

Resolution of the Council of the City of San Diego designating an Area of Benefit in Sabre Springs and the boundaries thereof, confirming the description of public facilities projects, the community financing plan and capital improvement program with respect to public facilities projects, the method for apportioning the costs of the public facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering of proposed public facilities project in the matter of one facilities benefit assessment area.

Subitem-B: (R-2008-839) ADOPTED AS RESOLUTION R-303727

Resolution of the Council of the City of San Diego approving the Development Impact Fee Schedule for properties within Sabre Springs.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/19/2007, LU&H voted 4 to 0 to approve. (Councilmembers Madaffer, Atkins, Young, and Hueso voted yea.)

OTHER RECOMMENDATIONS:

The Carmel Valley Planning Group (CVPG) on July 10, 2007, voted (11-0) in support of the proposed financing plan with qualifications.

The Sabre Springs Planning Group on January 16, 2008, voted (8-0) to support the proposed Sabre Springs Public Facilities Financing Plan – Fiscal Year 2009.

SUPPORTING INFORMATION:**REQUESTED ACTION:**

(1) Approve the Sabre Springs Public Facilities Financing Plan – Fiscal Year 2009; (2) Adopt a Resolution of Intention to designate an area of benefit for a Facilities Benefit Assessment (FBA) in Sabre Springs; (3) Adopt a Resolution of Designation for the FBA in Sabre Springs; and (4) Approve the setting of Development Impact Fees (DIF) consistent with the FBA in Sabre Springs for those developments which have never been assessed or otherwise agreed to pay an FBA.

STAFF RECOMMENDATION:

Approve the Sabre Springs Public Facilities Financing Plan - Fiscal Year 2009; rescind the existing Facilities Benefit Assessments (FBA) and Development Impact Fees (DIF) and establish new FBA and DIF for Sabre Springs.

EXECUTIVE SUMMARY:

The proposed financing plan details the public facilities that will be needed through the ultimate development of Sabre Springs and for the projected population at full community development. The community of Sabre Springs is almost entirely developed, with one remaining undeveloped parcel. There is also only one remaining public facilities project, a Class I bicycle path. The estimated cost of this project is \$1,600,000, with FBA funding of \$1,100,000 (69%) and SANDAG funding of \$500,000 (31%). The development of the remaining parcel, and the completion of the bicycle project, are both anticipated in FY 2009.

The goal of the FBA is to ensure that funds will be available in sufficient amounts to provide community facilities when needed. The proposed assessments for FY 2009 are as follows:

LAND USE	CURRENT ASSESSMENT	PROPOSED ASSESSMENT
SINGLE FAMILY UNITS	\$3,965	\$4,243
MULTI-FAMILY UNITS	\$2,776	\$2,970
COMMERCIAL (per 1,000 sq. ft.)	\$693	\$741
INDUSTRIAL (per 1,000 sq. ft.)	\$350	\$375

The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Sabre Springs.

Council has previously directed that the same assessment rates are appropriate DIFs for all properties in Sabre Springs that have never been assessed or otherwise agreed to pay Facilities Benefit Assessments. Therefore, it is recommended that the above proposed Fiscal Year 2009 Assessments also be adopted as DIF for Sabre Springs.

FISCAL CONSIDERATIONS:

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified in Sabre Springs.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Land Use and Housing Committee voted unanimously to approve the FY 2009 Sabre Springs Public Facilities Financing Plan on February 20, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On January 16, 2008, the Sabre Springs Planning Group voted (8-0) to support the proposed Sabre Springs Public Facilities Financing Plan - Fiscal Year 2009.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Sabre Springs Public Facilities Financing Plan - Fiscal Year 2009 Assessment Roll, beginning on page 73. These property owners will be mailed a notice of the public hearing and copy of the financing plan. The owners will have liens placed upon their property and will be required to pay Facilities Benefit Assessments (FBA) upon any building permit issuance when developing their property. Any redevelopment that increases the intensity of existing uses may be subject to an impact fee per Attachment 2.

Anderson/Gabriel/AA

NOTE: This plan is a financing measure and is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Staff: Angela Abeyta – (619) 533-3674
Jana Garmo – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:42 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-335: Linda Vista/Clairemont Mesa Open Space-Rezoning; the proposed actions are the result of a January 8, 2007, City Council action to initiate the proposed legislative actions. Amendments to the Linda Vista and Clairemont Mesa Community Plans, Rezone No. 445143 (RS-1-7 to OP-2-1); Dedication of 13.04 acres of Park Land. (Linda Vista/Clairemont Mesa Community Plan Areas. District 6.)

Matter of approving, conditionally approving, modifying or denying an application for a Rezone of approximately 6.64 acres of City-owned properties from RS-1-7 to OP-2-1, Dedicate the 6.64 acres as park land, Dedicate an additional 6.64 acres (adjacent, City-owned land) as park land, and an Amendment to the Progress Guide and General Plan and Linda Vista/Clairemont Mesa Community Plans to adjust the boundaries of both planning areas and redesignate 0.93 acres from Open Space to School and 6.64 acres from School and Park/Open Space to Open Space, in order to preserve open space areas for the lasting enjoyment and benefit of the people of the City of San Diego. The subject site is located along the northern boundary of the Linda Vista Community Planning Area and the southern boundary of the Clairemont Mesa Community Planning Area between Armstrong Street to the east and Genesee Avenue to the west. This land is currently owned by the City of San Diego but is not being used for park purposes. The proposed action would result in a net gain of approximately 13.04 acres of dedicated park land.

(Report to Planning Commission No. PC-140/Amendment to the Progress Guide and General Plan/Community Plan Amendment/Rezone No. 445143/Park Dedication.)

STAFF'S RECOMMENDATION:

Introduce the ordinances in Subitems A and B; and adopt the resolution in Subitem C:

Subitem-A: (O-2008-143) INTRODUCED, TO BE ADOPTED TUESDAY,
JUNE 10, 2008

Introduction of an Ordinance of the Council of the City of San Diego authorizing of setting aside and dedicating City-owned land in the City of San Diego.

Subitem-B: (O-2008-145) INTRODUCED, TO BE ADOPTED TUESDAY,
JUNE 10, 2008

Introduction of an Ordinance of the Council of the City of San Diego changing 6.64 acres located on Map Z-178, Document No. 273438, within the Linda Vista and Clairemont Mesa Community Plan Areas, in the City of San Diego, California, from the Residential-Single Unit Zone (RS-1-7 Zone) into the Open Space - Park Zone (OP-2-1 Zone), as defined by San Diego Municipal Code Section 131.0302, and repealing Ordinance No. O-13457, adopted on February 15, 1932, of Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2008-950) ADOPTED AS RESOLUTION R-303731

Adoption of a Resolution adopting an Amendment to the Progress Guide and General Plan and the Linda Vista Community Plan and the Clairemont Mesa Community Plan to adjust the Community Plan boundaries and redesignate approximately 7.57 acres of land in support of the dedication of additional park land.

OTHER RECOMMENDATIONS:

Planning Commission on November 15, 2007, voted 5-0-2 to approve.

Ayes: Schultz, Smiley, Naslund, Griswold, Garcia
Not present: Otsuji, Ontai

The Clairemont Mesa Planning Committee has recommended approval of this project.
The Linda Vista Planning Committee has recommended denial of this project.

STAFF SUPPORTING INFORMATION:**REQUESTED ACTION:**

Approve Rezone No. 4455143, amendments to the Linda Vista and Clairemont Mesa Community Plans, and the dedication of 13.0436 acres of Park Land.

STAFF RECOMMENDATION:

Approve the requested actions.

EXECUTIVE SUMMARY:

On January 8, 2007, the City Council initiated amendments to the Linda Vista and Clairemont Mesa Community Plans to adjust the Community Plan boundaries and designate the City-owned land as Open Space; initiate the rezoning of the City-owned land to an Open Space zone; and direct staff to prepare an ordinance that would dedicate in perpetuity the area designated/zoned Open Space as park land.

The City of San Diego is the applicant and, upon direction of the City Council, is proposing the following actions:

- Rezone 6.64 acres (City-owned) from RS-1-7 to OP-2-1.
- Dedicate 6.64 acres as park land.
- Dedicate an additional 6.40 acres (adjacent, City-owned land) as park land.
- Shift 6.64 acres from the Clairemont Mesa Community Plan to the Linda Vista Community Plan.
- Shift 0.93 acres (recently acquired by the Community College District) from the Linda Vista Community Plan to the Clairemont Mesa Community Plan.
- Redesignate 6.64 acres from School and Park/Open Space to Open Space.
- Redesignate 0.93 acres from Open Space to School.

As part of the City's ongoing effort to preserve and protect its urban canyons, the proposed rezone, General/Community Plan Amendment, and park dedication would result in a net gain of approximately 6.64 acres of designated open space and 13.04 acres of dedicated park land. The proposed actions will implement the very purpose of the City's Open Space Zones, to protect lands for outdoor recreation, education, and scenic and visual enjoyment; to control urban form and design; and to facilitate the preservation of environmentally sensitive lands.

FISCAL CONSIDERATIONS:

The preparation of the proposed legislative action was funded by the San Diego Community College District, as a condition of the adoption of Council Resolution R-302251.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 8, 2007, the City Council initiated amendments to the Linda Vista and Clairemont Mesa Community Plans, the rezoning of City-owned property from RS-1-7 to OP-2-1, and the dedication of park land, as described above.

On November 15, 2007, the Planning Commission, by a 5-0-0 vote, unanimously recommended that the City Council adopt the proposed legislative actions.

On January 17, 2008, the Park and Recreation Board, by a vote of 6-0-1, recommended that the City Council approve the proposed park dedication.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

On April 17, 2007, the Clairemont Mesa Planning Committee voted 12-0-0 to support the proposed rezone, General/Community Plan Amendments and park dedication. On June 25, 2007, the Linda Vista Planning Committee voted 7-3-0 to recommend denial of the proposed rezone, General/Community Plan Amendments and park dedication. Additionally, on May 8, 2007, the Linda Vista Recreation Council voted 6-0-0 to not support the proposal, on May 16, 2007, the Tecolote Canyon Citizen's Advisory Committee voted 9-0-0 to support the proposal, and on June 27, 2007 the Kearny Mesa Park Recreation Board voted 12-0-0 to not support the proposal.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

The Linda Vista Planning Committee, the Clairemont Mesa Planning Committee, the Tecolote Canyon Citizen's Advisory Committee, the Linda Vista Recreation Council, the Kearny Mesa Park Recreation Board, and interested community members.

Wright/Anderson/BS

NOTE: This activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15308.

Staff: Brian Schoenfisch – (619) 533-6457
Marianne Greene – Deputy City Attorney

FILE LOCATION: SUBITEMS A & B: NONE
SUBITEM C: MEET

COUNCIL ACTION: (Time duration: 2:28 p.m. – 3:06 p.m.)

Testimony in opposition by Gail Cole, Margarita Castro, Dustin Young, and Donna Erickson.

Testimony in favor by Brooke Peterson, Doug Beckham and Billy Paul.

MOTION BY FRYE TO INTRODUCE THE ORDINANCES IN SUBITEM A AND B; AND TO ADOPT THE RESOLUTION IN SUBITEM C. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-336: Scripps Mercy Hospital, an amendment to the Uptown Community Plan, a Rezone, Public Right-of-Way Summary Vacations, Public Right-of-Way Dedications, Easement Vacations, Easement Dedications, a Site Development Permit and a Conditional Use Permit amendment. (Uptown Community Plan Area. District 3.)

Matter of approving, conditionally approving, modifying or denying an application for an Amendment to the Uptown Community Plan, a Rezone, Public Right-of-Way Summary Vacations, Public Right-of-Way Dedications, Easement Vacations, Easement Dedications, a Site Development Permit and a Conditional Use Permit amendment. The project generally includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a sewer access road and central energy plant, and the expansion of the emergency department, including deviations from the development regulations at Scripps

Mercy Hospital, on the general block bounded by Washington Avenue, 4th Avenue, 5th Avenue and 6th Avenue located at 4077 5th Avenue. The project site is located within the MR-800B and NP-1 Zones of the Mid-City Communities Planned District and within the RS-1-4 Zone and contains environmentally sensitive lands. The site is also located in the Airport Environs Overlay Zone, the FAA Notification Area for Lindbergh Field, and the Transit Area Overlay Zone within the Uptown Community Plan.

(Report to Planning Commission No. PC-08-040/MND No. 94392/MMRP/ Amendment to the Progress Guide and General Plan/Uptown Community Plan No. 33363/Rezone No. 525271/Site Development Permit No. 531932/Conditional Use Permit Amendment No. 304755/Public Right-of-Way Summary Vacation No. 525320 and 525326/Public Right-of-Way Dedication Nos. 525322 and 525327/Easement Dedication No. 525329/Easement Vacation Nos. 525323, 525331, 525330, 525324 and 525332/Project No. 94392.)

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B, C, D, E, and F:

Subitem-A: (O-2008-150) INTRODUCED, TO BE ADOPTED TUESDAY,
JUNE 10, 2008

Introduction of an Ordinance of the Council of the City of San Diego changing 20.85 acres located at 4077 Fifth Avenue, within the Uptown Community Plan Area, in the City of San Diego, California, from the MR-800B and the RS-1-4 Zones into the CN-1A, the OC-1-1 Zones, as defined by San Diego Municipal Code Sections 1512.0301, 131.0403, 131.0203, 1512.0305; and repealing Resolution No. R-301263 adopted March 14, 2006, of the Resolutions of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (R-2008-1012) ADOPTED AS RESOLUTION R-303732

Adoption of a Resolution approving a Community Plan Amendment to the Progress Guide and General Plan and the Scripps Mercy Hospital Plan to redesignate in the Uptown Community.

Subitem-C: (R-2008-1013) ADOPTED AS RESOLUTION R-303733

Adoption of a Resolution vacating Public Rights-of-Way by summary proceedings, supported by minutes, maps and exhibits, all of which are incorporated by reference.

Subitem-D: (R-2008-1014) ADOPTED AS RESOLUTION R-303734

Adoption of a Resolution vacating public service easements by summary proceedings, supported by minutes, maps and exhibits, all of which are incorporated by reference.

Subitem-E: (R-2008-1015) ADOPTED AS RESOLUTION R-303735

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 94392, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with this project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resource Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the County Clerk for the County of San Diego regarding the above project.

Subitem-F: (R-2008-1039 Rev. Copy)

ADOPTED AS AMENDED AS
RESOLUTION R-303736

Adoption of a Resolution adopting the findings with respect to the Conditional Use Permit No. 304755 is granted to Scripps Health, a California Non-Profit Benefit Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on April 3, 2008, voted 4-0-2 to recommend approval; was opposition.

Ayes: Griswold, Otsuji, Ontai, Schultz
Not present: Naslund, Smiley
One vacancy

The Uptown Community Planning Group has recommended approval of the project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of modifications to the existing Scripps Mercy hospital, construction of a new public sewer access road within an adjacent canyon and a variety of street and easement vacations and dedications on a 19.25-acre site located at 4077 5th Avenue, within the Uptown Community Plan.

STAFF RECOMMENDATION:

CERTIFY Mitigated Negative Declaration No. 94392 and **ADOPT** the Mitigation Monitoring Reporting Program.

ADOPT an ordinance to approve Rezone 525271 rezoning the property from the RS-1-4 and MR-800B Zones, to the CN-1A and the OC-1-1 Zones; and

APPROVE the Amendments to the Progress Guide and General Plan, and the Uptown Community Plan No. 333363, Site Development Permit No. 531932, Conditional Use Permit Amendment No. 304755, Public Right-of-Way Vacation Nos. 525320 and 525326, Public Right-of-Way Dedication Nos. 525322 and 525327, Easement Dedication No. 525329 and Easement Vacation Nos. 525323, 525331, 525330, 525324 and 525332.

EXECUTIVE SUMMARY:

The Scripps Mercy Hospital project proposes the construction of a new 18,000 square-foot Central Energy Plant; Expansion of the existing Emergency Department to 28,000 square-feet; Construction of a new six-level parking structure; Improvements to two existing surface parking lots; Construction of a new public sewer access road within an adjacent canyon; Demolition of an existing day-care center; and a variety of street and easement vacations and dedications located between Washington Avenue, 4th Avenue, 5th Avenue and 6th Avenue.

The project requires an amendment to the Progress Guide, and General Plan, and the Uptown Community Plan, a Rezone, a Site Development Permit, a Conditional Use Permit Amendment, Public Right-of-Way Vacations, Public Right-of-Way Dedications, an Easement Dedication and Easement Vacations to accomplish these modifications to the existing hospital site.

The proposed rezone to accommodate the project would included a net result of 18.41 acres from residential (RS-1-4 and MR-800B) to Commercial (CN-1A) and 2.44 acres from residential (RS-1-4 and MR-800B) to an open space conservation zone (OC-1-1). The Plan Amendment is required to change the land use designation for 2.19 acres from Open Space to Institutional (Hospital), 0.40 acres from High Residential (4-73 du/ac) to Open Space, and 0.04 acres from Institutional (Hospital) to Open Space.

An amendment to Conditional Use Permit No. 88-1062 is required for the proposed additions to the hospital. A Site Development Permit is required for impacts to Environmentally Sensitive Lands (ESL) and for two deviations requested from the applicant. The first deviation would relieve the applicant from the requirement to construct a street wall within 6 feet of the property line.

The second would allow the two small surface parking lots to cover 100 percent of the lot where the code allows a maximum 20 percent lot coverage. When considering the project as a whole, the two requested deviations are minor in scope and provide for a more attractive design than could be achieved through the strict conformance with the development regulations.

FISCAL CONSIDERATIONS:

Project costs are paid by the applicant through a deposit account.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On April 3, 2008, the Planning Commission approved the proposed project by a vote of 4-0 with Griswold, Otsuji, Ontai, and Schultz in favor. Commissioner Smiley and Naslund were not present and one seat is vacant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

At their April 3, 2007, meeting, the Uptown Planners voted 12-0-1 to recommend approval of the proposed project with specific recommendations, which have been incorporated into the project and are fully discussed in Planning Commission Report No. PC-08-040.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Scripps Health, A California Non- Profit Benefit Corporation (Owner/Applicant); Lynne Heidel of Worley Schwartz Garfield & Prairie, Latitude 33 (Applicant Representatives); The City of San Diego; Chuck Bahde; and Melanie Branca.

Broughton/Anderson/PG/RM

LEGAL DESCRIPTION:

The site is bounded to the south by Washington Street, to the west by Fifth Avenue, to the east by Sixth Avenue, and to the north by Montecito Way. The site is in unmarked section of Township 16 South, Range 3 West in the City and County of San Diego.

NOTE: The City of San Diego as Lead Agency under CEQA has prepared and completed a Mitigated Negative Declaration, Project No. 94392, dated February 6, 2008, covering this activity.

Staff: Renee Mezo - (619) 446-5001
Rachel Lipsky - Deputy City Attorney

NOTE: Subitems B, C, D, E and F of these items are not subject to Mayor's veto.

FILE LOCATION: SUBITEM A: NONE
SUBITEM B, C, D, E & F: MEET

COUNCIL ACTION: (Time duration: 3:06 p.m. – 3:31 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND TO ADOPT THE RESOLUTIONS IN SUBITEM B, C, D AND E; AND TO ADOPT THE RESOLUTION AS AMENDED IN SUBITEM F THAT PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL ENTER INTO A LANDSCAPE EASEMENT AND MAINTENANCE AGREEMENT FOR ANY AND ALL REQUIRED LANDSCAPE AND REVEGETATION THAT IS LOCATED OFFSITE SATISFACTORY TO THE DEVELOPMENT SERVICES DEPARTMENT; AND TO MAKE A FINDING WITH RESPECT TO THE PROPOSED SEWER ACCESS ROAD THAT THERE IS AN INDIVIDUALIZED DETERMINATION THAT THE ACCESS ROAD IS RELATED IN BOTH NATURE AND EXTENT TO THE IMPACT OF THE PROPOSED DEVELOPMENT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S500: Preparation of Salary Ordinance for FY 2008-2009.

(See memorandum from the City Attorney dated 4/18/2008.)

(Continued from the meeting of May 13, 2008, Item 60, at the request of Councilmember Atkins, for further review.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance in Subitem A, which was introduced as amended on 4/21/2008, Item S400. (Council voted 6-2. Councilmembers Young and Frye voted nay.) [Councilmembers Peters, Faulconer, and Maienschein voted nay on the portion relating to the car allowance]. Adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2008-134 Rev. 3) CONTINUED TO TUESDAY, MAY 27, 2008

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2008-2009.

Subitem-B: (R-2008-851) CONTINUED TO TUESDAY, MAY 27, 2008

Approving in accordance with the terms and conditions the classifications of personnel in the classified service of the City of San Diego eligible for premium or regular rate overtime as set forth in Attachment "A", effective from July 1, 2008 through June 30, 2009, pursuant to the authority of Section 9 of the Annual Salary Ordinance.

Subitem-C: (R-2008-852) CONTINUED TO TUESDAY, MAY 27, 2008

Amending the classifications previously designated by the Council as appropriately assigned to employee representation units, to reflect additions of new classes, removal of deleted classes, and changes to titles, such amendments to be as contained in the listing of job classifications and appropriate units, as set forth in Attachment "A".

Subitem-D: (R-2008-853) CONTINUED TO TUESDAY, MAY 27, 2008

Establishing and adopting a Cafeteria Benefits Plan (Plan) for all designated eligible employees for Fiscal Year 2009 (Attachment "B"), providing therein dollar sums certain for each eligible employee, to be allocated to benefits as are designated in the Plan, pursuant to Section 16 of the Annual Salary Ordinance No. O-_____, and upon the recommendation of the Mayor;

Authorizing the Mayor to execute agreements with the appropriate organizations providing the benefits designated in the Plan;

Declaring the funds appropriated for this Plan shall be as set forth in the annual appropriation ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 9:39 a.m. – 9:40 a.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, MAY 27, 2008, FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Madaffer at 6:16 p.m. in honor of the memory of:

Lionel Van Deerlin as requested by Council Member Faulconer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:04 p.m. – 6:16 p.m.)

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING
OF
MONDAY, MAY 26, 2008
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,
Madaffer, Hueso.

Clerk: Richardson.

Due to the observance of Memorial Day holiday, the City Council meeting of Monday, May 26, 2008, has been adjourned, pursuant to the 2008 Legislative Calendar, adopted by Resolution R-303207 on December 3, 2007. The meeting of Monday, May 26, 2008, will be held in conjunction with the regularly scheduled meeting of Tuesday, May 27, 2008.

Elizabeth S. Maland, City Clerk
City of San Diego